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U.S. ARMS CONTROL DISARMAMENT AGENCY  
AUTHORIZATION AND CONSIDERATION OF  
THE AGENCY'S FUTURE STATUS  
AND RESPONSIBILITIES

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Y 4. F 76/2: S. HRG. 103-351

U.S. Arms Control Disarmament Agenc...

HEARING  
BEFORE THE  
COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE  
ONE HUNDRED THIRD CONGRESS  
FIRST SESSION

JULY 14, 1993

Printed for the use of the Committee on Foreign Relations



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# U.S. ARMS CONTROL DISARMAMENT AGENCY AUTHORIZATION AND CONSIDERATION OF THE AGENCY'S FUTURE STATUS AND RESPONSIBILITIES

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WEDNESDAY, JULY 14, 1993

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:07 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Senators Pell, Simon, Helms, and Lugar.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

I would like to welcome before our committee this morning Mr. Thomas Graham, Acting Director of the U.S. Arms Control and Disarmament Agency, and Ambassador Ted McNamara, who is the Acting Assistant Secretary for Politico-Military Affairs at the Department of State.

I also would like to welcome Dr. Janne Nolan, senior fellow at the Brookings Institution, and Mr. Michael Krepon, president of the Stimson Center. They will participate in the second panel, and will discuss their thoughts with regard to the future of ACDA.

Let me begin by saying how pleased I am with the decision just made by the executive branch to depart from the previous administration's so-called broad interpretation of the 1972 Anti-Ballistic Missile Treaty, which was advanced by the Department of State's then legal adviser beginning in 1985, during the height of the Star Wars discussion.

Earlier this year, I had asked Mr. Graham at a hearing on START II to clarify for Congress the administration's position on the proper interpretation of the ABM Treaty. The administration considered the matter carefully, and I was advised by Mr. Graham of this decision yesterday. Without objection, Mr. Graham's response will be made part of the record.

President Clinton and his advisers are to be congratulated for finding that the traditional interpretation of the treaty is in fact the correct one. This wise decision closes on a high note a sad chapter in arms control and in the relationship between the U.S. Senate and the executive branch. I would like to personally thank those of you who played a real role in this and the dedicated staff in the ACDA Office of General Counsel.

[The information referred to follows:]

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,  
WASHINGTON, DC,  
July 13, 1993.

HON. CLAIBORNE PELL,  
*Chairman, Committee on Foreign Relations, U.S. Senate*

DEAR MR. CHAIRMAN: On May 18, 1993, during hearings you chaired concerning START II, you asked whether it was the position of the Clinton Administration that the narrow interpretation is the proper and legally correct interpretation of the ABM Treaty. I agreed to provide a response for the record. I am pleased to provide that answer in an enclosure to this letter.

Because of the importance of this matter and your interest in it over the years, and in the expectation that the Committee may desire to handle it in a special way, I want to draw your personal attention to this answer rather than simply transmitting it through routine channels. I am also advising other interested Members of Congress of the answer for the record. Please let me know if you have any further questions on this matter.

Sincerely,

THOMAS GRAHAM, Jr.,  
*Acting Director, USDC*

Enclosure:

*Question.* Would you please state, for the record, whether or not it is the position of the Clinton Administration that the narrow interpretation is the proper and legally correct interpretation of the ABM Treaty?

*Answer.* It is the position of the Clinton Administration that the "narrow" or "traditional" interpretation of the ABM Treaty is the correct interpretation and therefore that the ABM Treaty prohibits the development, testing, and deployment of sea-based, air-based, space-based, and mobile land-based ABM systems and components without regard to the technology utilized.

The CHAIRMAN. I would now turn to the ranking minority member, Senator Helms.

Senator HELMS. Mr. Chairman, thank you very much. I join you in welcoming the gentlemen who will testify this morning.

I was thinking again that the legislation Congress is charged with producing and this committee is charged with initiating arms control, proliferation and export controls, is going to be of importance bordering on the profound.

I am confident that the testimony these gentlemen will offer this morning will assist us as we develop this legislation, and I assure you, Mr. Chairman, that our respective staffs will cooperate completely, because if ever there was a nonpartisan issue of great importance to the country this is it.

I thank you, and again I welcome the other gentlemen, and I appreciate your coming.

The CHAIRMAN. Thank you very much indeed for your words and thoughts, Senator Helms.

I will now turn to Mr. Graham. We are glad to hear from you.

**STATEMENT OF THOMAS GRAHAM, JR., ACTING DIRECTOR,  
U.S. ARMS CONTROL AND DISARMAMENT AGENCY; ACCOMPANIED BY HON. THOMAS McNAMARA, ACTING ASSISTANT  
SECRETARY FOR POLITICO-MILITARY AFFAIRS, DEPARTMENT OF STATE**

Mr. GRAHAM. Thank you, Mr. Chairman and Senator Helms. I have a statement on the ACDA authorization and a compilation of accomplishments and prospective plans for the Agency which I would like to submit for the record.

The CHAIRMAN. Without objection, they will be put in the record.



Mr. GRAHAM. Mr. Chairman, in addition to the statement regarding the ACDA budget, I would like to add for the record if I may some remarks regarding the bill which is before the committee entitled, the Arms Control and Nonproliferation Act of 1993.

Beginning in January, the administration undertook an intensive review of ACDA's role in arms control. Upon completion of this careful study, and on the recommendation of the Secretary of State, the President announced on July 3 his commitment to the reinvigoration and revitalization of ACDA. This confirmed the important contribution to be made by an independent agency in formulating policies and implementing agreements on arms control and non-proliferation.

This administration is committed to revitalizing ACDA through a combination of strong ACDA leadership, internal agency changes, full participation of ACDA in executive branch policymaking, and legislative changes. The position of the administration on the question of ACDA's role is contained in the letter Secretary Christopher recently sent to you, Mr. Chairman.

The administration is prepared to continue its dialog with the committee on the bill introduced by you, Mr. Chairman, and Senator Simon, to resolve remaining differences with the objective of achieving legislation that will ensure the strong, effective ACDA necessary to meet the challenges of the post-cold war world.

Mr. Chairman, Senator Helms, Senator Simon, ACDA owes you a great debt of gratitude for your steadfast support for the Agency and its mission. On behalf of the Agency, I wish to thank you very much.

Mr. Chairman, you were one of the founders of ACDA in 1961 and now in 1993 you have, with others, led the effort to revitalize the Agency, and we greatly thank you for your support.

The CHAIRMAN. Thank you very much for those words.

Mr. GRAHAM. The budget request of ACDA, of A-C-D-A, is \$62.5 million with 246 full-time equivalent positions. Our fiscal year 1994 budget request is essentially straightlined from our current level of \$46.5 million. However, with the signing of the Chemical Weapons Convention in January of this year, a treaty the negotiation of which ACDA was largely responsible for, ACDA is charged with the leadership and administration of the U.S. responsibilities for implementing this treaty.

An organization has been created at The Hague which will be functioning for 2 years, which will create all the rules, regulations, and inspection procedures and so forth for the convention. These leadership responsibilities for the United States have been assigned to ACDA by the National Security Council.

They bring with them an incremental, 1-year, one-time cost of \$16 million, which is also included in our budget request. This is what raises the \$46 to \$62 million. It is very important to fund this additional \$16 million in advance of the Chemical Weapons Convention coming into force, because it is a U.S. obligation to the Preparatory Commission to provide this funding, 25 percent of the budget of the Commission.

It is important that the Preparatory Commission function effectively so that the Chemical Weapons Convention, when it does enter into force, can be implemented and verified effectively, and

also this represents an important responsibility for ACDA, an example of revitalization.

Now I would like briefly to turn to the discussion that has gone on in the executive branch and the Congress on the subject of U.S. nuclear testing policy. Clearly, there must be a balance between confidence in our nuclear stockpile, which is very important, and the nonproliferation regime.

Since ACDA is the arms control agency, it is only logical that we should look at this issue from the perspective of the nonproliferation regime. ACDA very much welcomed the President's statement on nuclear testing policy on July 3. We believe that it is a policy that is very much in the interest of the U.S. Government and, indeed, the entire world.

It focused, as you know, on the U.S. Government's commitment to pursue a comprehensive nuclear test ban, and it also announced the extension of the current testing moratorium on a no-first-test basis, at least until September 30, 1994. This decision to extend the moratorium comes some 30 years after President Kennedy's American University speech which led to the first treaty limiting nuclear testing, the Limited Test Ban Treaty of 1963.

We hope that this decision, announced by the President on July 3, will also lead to the conclusion of a treaty limiting nuclear testing, that is a comprehensive nuclear test ban treaty. In my estimation this decision marks a historic watershed. It is reasonably possible that it would lead to an end to nuclear testing everywhere, forever.

I believe there is a reasonable chance that the testing moratorium will hold, and the important task now before us is to move ahead to convert policy into a legally binding comprehensive nuclear test ban treaty, hopefully reasonably close to the time of the Extension Conference of the Nuclear Non-Proliferation Treaty, which is extremely important, and which will occur in 1995.

Mr. Chairman, members of the committee, I have worked on arms control issues at ACDA for a long time. Sometimes ACDA makes the clear difference in the policy process, sometimes ACDA is simply part of the team. But the national security process, in my judgment, has always been the richer for the contribution of a dedicated arms control point of view, whether or not ACDA's recommendations are ultimately followed.

Some things would simply not have been achieved without ACDA. For example: the Nuclear Non-Proliferation Treaty in the 1960's—the conclusion of that treaty was largely the result of ACDA's efforts early on; the Chemical Weapons Convention, the onsite verification provisions of the INF, CFE, Threshold Test Ban and START Treaties; all to a considerable degree are the result of ACDA's efforts.

In closing, I would like to read, if I may, President Kennedy's remarks upon the signing of the ACDA Act establishing the Agency on September 26, 1961. He said:

The signing of this legislation symbolizes the importance the United States places on arms control and disarmament in its foreign policy. The creation for the first time by act of Congress of a special organization to deal with arms control and disarmament matters emphasizes the high priority that attaches to our efforts in this direction.

Our ultimate goal, as the act points out, is a world free from war, and free from the dangers and burdens of armaments, in which the use of force is subordinated to the rule of law, and in which international adjustments to a changing world are achieved peacefully.

It is a complex and difficult task to reconcile through negotiation the many security interests of all nations to achieve disarmament, but the establishment of this agency will provide new and better tools for this effort.

ACDA has tried to live up to this charge in the past, and we plan in the future to continue to attempt to live up to these lofty objectives.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Graham and other information follows:]

PREPARED STATEMENT OF THOMAS GRAHAM, JR.

Mr. Chairman, it is a privilege to appear before you and the Committee on Foreign Relations. We at the Arms Control and Disarmament Agency (ACDA) look forward to working with you and your distinguished colleagues. We appreciate the strong interest in and support for ACDA that this Committee has consistently demonstrated.

The end of the Cold War, the turbulent changes in Eastern Europe and the Former Soviet Union (FSU), and the increased risk of proliferation of weapons of mass destruction and their means of delivery, have had a significant impact on ACDA, along with the rest of the world. As a result, ACDA has had to reassess its agenda and adapt to changing arms control concerns, particularly with regard to regional and nonproliferation issues. Consequently, post-Cold War arms control will have the following priority tasks: reduce forces and armaments pursuant to negotiated agreements; ensure nonproliferation of weapons of mass destruction; apply appropriate arms control techniques to the settlement of regional disputes; establish global norms for the control of arms; and continue verification and compliance activities.

We are urgently pursuing a strategy to strengthen existing nonproliferation arrangements; expand the membership of multilateral nonproliferation regimes; and encourage the development of improved relations among countries in regions of tension. World changes, while challenging, offer the hope of replacing Cold War antagonism with more cooperative approaches, combining unilateral actions with bilateral and multilateral negotiations. We have an excellent opportunity to create a progressively more stable strategic balance, prevent proliferation and dampen regional conflicts if we can continue to make effective use of the entire mix of arms control tools. One of these arms control tools is the U.S. Arms Control and Disarmament Agency and its vital resources. In adapting to the current world dynamics, ACDA remains focused on its mission promoting a secure peace.

In order to support this mission, ACDA is requesting a budget of \$62,500,000 for Fiscal Year 1994. Although this represents a \$16,000,000 increase over its FY-1993 appropriation, these incremental funds are needed to provide for full-year expenses related to the new Chemical Weapons Convention Preparatory Commission (CWC PrepCom). The remainder of ACDA's total request reflects the Administration's call for reductions in both positions and administrative costs. Within these constraints, ACDA is simply looking to maintain its ability to carry out its mandate through its historical strength—its people. As you are aware, approximately one half of ACDA's budget for ongoing activities or approximately \$23.4 million goes towards personnel compensation and benefits. This amount provides funding for 246 full-time equivalent personnel, as well as other detailee and consultant appointments. Finally, only nominal increases to maintain ACDA's technological edge and provide for the 1995 Non-Proliferation Treaty Review and Extension Conference and its preparatory meetings, as well as other minor account adjustments, comprise the balance of ACDA's request for ongoing operational activities.

At this point, before asking for your support of this authorization request, I would like to apprise this Committee of ACDA's recent endeavors and what its people have accomplished as well as where we are going over the next few years. In doing so, I will sequentially touch on multilateral negotiations, regional arms control, nonproliferation, strategic and nuclear negotiations, verification and compliance, and research efforts of the Agency.



## MULTILATERAL NEGOTIATIONS

*Chemical Weapons*

ACDA served as the primary proponent for and provided leadership to USG efforts to conclude the multilateral and the ongoing bilateral CW arms control agreements. ACDA continues to backstop and lead the bilateral negotiations with the Russian Federation to complete the protocols for the June 1990 bilateral agreement on CW destruction and non-production and to develop procedures for implementing the second phase of the September 1989 Wyoming Memorandum of Understanding. In addition, ACDA provides staffing, including the legal advisor, for the U.S. delegation. ACDA backstopped and led the multilateral negotiations on the CWC, culminating in its signature on January 13, 1993. The CWC PrepCom opened February 8 in The Hague and will continue for at least two years developing implementing procedures and setting up the permanent international organization, the Organization for the Prohibition of Chemical Weapons. ACDA leads and backstops the U.S. PrepCom delegation, chairs the USG PrepCom Task Force, the Verification Technology Task Force, and the Trial Inspection Task Force and is responsible overall for principal administrative support for implementation of the CWC.

In response to the CWC requirement for States Parties to oversee national implementation, ACDA developed a proposed structure for the USG National Authority. Details relevant to the broad structure are now being worked in the interagency process. In preparation for ratification, ACDA has prepared an Administration game plan and is preparing the requisite Article by Article analysis and the report to Congress on the verifiability of the CWC as required under Section 37 of its Act. ACDA will also chair the interagency substantive task force the USG ratification efforts.

*Biological Weapons Convention*

The 1991 Biological Weapons Convention Review Conference (BWC RevCon) agreed to establish an Ad Hoc Group of Government Experts to identify and examine potential verification measures from a scientific and technical standpoint. ACDA provides both the head and deputy head of the U.S. delegation to the Ad Hoc Group, and chairs both the Backstopping Committee and the Task Force in support of the experts work. Activity has included *inter alia*, developing a dialogue with U.S. biotech industry and academia. Other efforts have included coordination of technical papers by agencies on the various measures for use in the experts group discussions.

ACDA provided both the head and deputy of the U.S. Delegation to the BWC RevCon in 1991, as we had for previous review conferences concerning this Treaty. In support of the review conference, ACDA chaired and managed the backstopping interagency efforts in the USC. In response to the agenda of the review conference, ACDA was the principal author and seat of technical expertise for the U.S.-proposed set of additional confidence-building measures adopted by the review conference which proved to be one of the conference's principal products.

*CFE Treaty*

ACDA played major roles in the negotiation of both the Treaty on Conventional Armed Forces in Europe (CFE) and the Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe, otherwise known as CFE 1A. The CFE Treaty, signed in November 1990, reduces and restructures the balance of conventional forces in Europe and establishes the cornerstone for future co-operative security on the continent. In Washington, ACDA chaired working groups that developed U.S. positions on methods and standards for the destruction of equipment to meet Treaty equipment ceilings and the Conference on Security and Cooperation in Europe (CSCE) Communications Network. ACDA also contributed significantly within the policy community in developing the rest of the entire spectrum of U.S. positions relative to the Treaty. In Vienna, ACDA negotiators were active in drafting treaty provisions on verification, equipment destruction, and existing types of conventional systems, and provided the legal advice to the U.S. delegation for drafting and conforming the majority of the Treaty text. The CFE 1A Concluding Act limits full-time military manpower and provides for greater transparency of military forces through stabilizing measures and information exchanges. ACDA was deeply involved in developing U.S. policy positions in Washington and negotiating the Act in Vienna.

*Forum for Security Cooperation*

At the Helsinki CSCE Summit in July 1992, a mandate for new European security negotiations, known as the Forum for Security Cooperation (FSC), was agreed. FSC negotiations, in which ACDA participates as an important substantive member of the U.S. delegation, began in Vienna in September 1992. The FSC is considering several items of arms control interest, including harmonization of existing arms con-

trol obligations (i.e., the CFE Treaty and the Vienna Document 1992 (VD92)), improvements to VD92, new Confidence- and Security-Building Measures (CSBMs), nonproliferation and arms transfer principles, regional measures, and a global information exchange. The aim of the CSCE is to have additional agreements in these and other areas ready for approval at the next CSCE Summit in Budapest in 1994.

#### *Open Skies*

ACDA has participated from the beginning in negotiating the Treaty on Open Skies, which was signed in Helsinki in March 1992. This Treaty establishes a wide-ranging confidence-building regime to promote openness of military forces and activities in North America and Eurasia by reciprocal observation flights of unarmed aircraft. The 27 signatories of the Treaty, including the U.S., expect to ratify it in 1993. ACDA provided representatives to the negotiations in Vienna and provided the legal advisors to the U.S. delegation. ACDA negotiators drafted sections of the Treaty, and ACDA lawyers drafted and conformed the majority of the Treaty text. The Agency continues to participate in backstopping the Open Skies Consultative Commission, which meets regularly in Vienna for the purpose of phased implementation of the Treaty, portions of which have been provisionally applied since its signature. ACDA has been instrumental in providing advice and assistance to the Open Skies Treaty Text Working Group and the Treaty ratification process.

#### *Conference on Disarmament*

The Conference on Disarmament (CD), which meets in Geneva for three sessions annually, is the principal existing independent multilateral arms control forum. The CD was responsible for negotiating the CWC. ACDA provides the U.S. Ambassador to the CD as well as administrative support and extensive professional expertise to the delegation. In all areas of CD activity, ACDA chairs the USG interagency process to develop and transmit guidance to the delegation. ACDA frequently supplements the delegation with specific professional expertise on topics that arise for CD deliberation or discussion.

#### *UN Disarmament Activities*

In the spring, the UN Disarmament Committee (UNDC) addresses arms control topics in New York. ACDA is responsible for developing, coordinating, and transmitting U.S. policy positions on those issues to USUN in New York. In the autumn, ACDA likewise is the principal USG agency in developing and managing U.S. policy in the UN First Committee (UNFC) deliberations. UNFC activities normally result in somewhere between 60 and 90 resolutions annually, all of which are deliberated in the First Committee and, after voting, subsequently considered by the UN General Assembly (UNGA). ACDA chairs the USG effort in support of our activities in the UN in this area, and contributes professional expertise to USUN to promote U.S. policy during UNFC deliberations.

For example, in an effort to enhance transparency in armaments (TIA), the UN established a UN conventional arms register and also an Ad Hoc Committee in the CD to deal with this ever more important issue. ACDA coordinates U.S. submissions to the UN register, chairs an interagency Ad Hoc Task Force on TIA, and sends delegates to the CD to participate in CD discussions on matters of arms transparency.

ACDA provides experts as the USG participant to disarmament and arms control studies chartered under UN auspices, including the UN Panel of Governmental Technical Experts on UN Register of Conventional Arms and the UN Group of Governmental Experts to Study Outer Space Confidence-Building Measures.

#### *Environmental Modification*

ACDA led the U.S. Delegation to the September 1992 Second Review Conference of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD). ACDA also led the Delegation for the April PrepCom that preceded it and coordinated and presented the U.S. position in meetings on the margins of the UNFC in New York and Geneva that followed the Second Review Conference. During the entire review conference process, ACDA chaired the backstopping efforts in the USG and also provided the principal substantive and legal expertise on the Convention.

#### *Backstopping*

The Agency backstops the CWC negotiations for the PrepCom, the CD, bilateral chemical weapons negotiations with the FSU, the BWC Review Conference activities, the UNDC, the First Committee of the UNGA, and all of the review conferences of international arms control agreements.

## REGIONAL ARMS CONTROL

*Korean Arms Control*

ACDA has an ongoing working relationship with senior ROK officials, at their request, on bilateral nuclear inspection issues. We also have to provide support to efforts in the IAEA and developing concepts for CBMs on the Peninsula, as well as joint study of conventional arms control issues. The ACDA Director worked closely with the South Korean government on developing methods that would be useful in implementing its bilateral agreement with North Korea that neither state would produce weapons-usable nuclear material. ACDA is fully engaged in U.S. efforts to convince North Korea to remain in the NPT, cooperate fully with the IAEA, and implement the North/South Non-nuclear Declaration.

The Agency has played a critical role in seminars examining Korean arms control issues under the joint sponsorship of the U.S. Army, RAND Corporation, and the Korean Institute for Defense Analysis.

*Latin America*

ACDA planned and led the U.S. delegation to the 1991 and the 1993 meetings of the OPANAL General Conference of parties to the Treaty of Tlatelolco (also known as the Treaty for the Prohibition of Nuclear Weapons in Latin America) as well as the 1992 Special OPANAL Conference. The Agency also participated in interagency efforts to ensure that Brazil and Argentina implement the Iguazu Falls Declaration of November 1990 and coordinated the preparation and negotiation of the U.S.-IAEA Safeguards agreement called for under Protocol I of the Treaty.

ACDA has long supported the Central American process of democratization and arms reduction and has provided numerous recommendations to Central American governments on a wide range of conventional arms control issues. In December 1992, an ACDA-led team hosted a one-day seminar in Tegucigalpa, Honduras, on ways to reduce the illicit traffic in weapons in the region.

In May 1992, the OAS General Assembly adopted a U.S./Brazilian resolution on security and development, which established a clear consensus on an arms control agenda for OAS member-states. Many of the arms control initiatives listed in the resolution were derived from the ACDA Director's speech to the OAS Special Committee on Hemispheric Affairs on November 21, 1991. Agency personnel were instrumental in securing widespread support for the resolution. ACDA followed up the resolution by gaining support for an extraordinary session of the Special Committee to discuss the new Chemical Weapons Convention. An ACDA Assistant Director addressed the meeting, which was held October 7, 1992.

In April 1993 an ACDA delegation travel led to Buenos Aires to consult with Argentina on methods and U.S. experience in arms control and nonproliferation practices.

*Middle East Peace Process—ACRS*

The multilateral Arms Control and Regional Security (ACRS) working group is one of five formed during the opening round of the Middle East peace process in Madrid in October 1991. Thirteen Arab states, Israel and a dozen extra-regional participants met in May and September of 1992 for three-day seminars on U.S.-Soviet and European arms control efforts as a primer for possible future arms control measures in the region. Participation of extra-regional states was particularly useful in pointing out the value of arms control in a regional context. Building on these sessions, the participants began a discussion of regional security and confidence-building measures. In May 1993, the working group developed an intersessional work program bringing together policy and expert level delegations to further momentum of the ACRS process and move activities into the region. The fourth ACRS round is expected to occur in November, possible hosted by a regional participant at the request of the U.S./Russian co-sponsors.

ACDA's Middle East Coordinating Group has played a central role in this process, preparing and presenting seminar topics, timelines, and consultations in the region and among regional disarmament players in various international fora. As detailed discussions follow, ACDA's repository of knowledge related to all phases of arms control should further advance the ACRS exercise as it fits into the bilateral peace process effort.

*Iraqi Inspections*

ACDA has played an important role in the United Nations Special Commission (UNSCOM) inspections of Iraq. The Agency provided a full-time staff officer to serve as Deputy Coordinator of the State Department's office on Iraqi Inspections. Currently, a senior ACDA official serves as Deputy to the head of the UNSCOM Operation at the UN in New York. ACDA personnel have often briefed the UNSCOM



and largely drafted the CW destruction plan and the long-term verification plan for Iraq.

The discovery by the IAEA of significant undeclared nuclear activities in Iraq has led to efforts to strengthen nuclear safeguards. ACDA is playing a key role in devising measures to strengthen the IAEA safeguards system. These include support for special inspections and universal reporting of nuclear-related transfers.

### *South Asia*

ACDA played an important role in securing region-wide commitment to the CWC. ACDA representatives held high-level discussions on the CWC export regime with India and Pakistan. ACDA's Director was instrumental in obtaining Chinese commitment to join the CWC during his visit to Beijing.

Also, ACDA's Director traveled to New Delhi in early 1992 for meetings on regional security and nonproliferation raising these issues in discussions with both the Indian Foreign Secretary and with the Indian Defense Minister.

The ACDA South Asia Coordinating Group produced issue papers for the Indo-U.S. bilateral security and arms control discussions held in Washington in November.

### NONPROLIFERATION ACTIVITIES

ACDA is continuing its vigorous efforts to curb the spread of nuclear weapons to additional countries. These efforts focus mainly on treaties, export controls, IAEA safeguards, and regional measures.

ACDA has led U.S. Government efforts on the Nuclear Non-Proliferation Treaty (NPT) since the 1960s when the ACDA Director negotiated that treaty. This includes planning and leadership for U.S. participation in four NPT Review Conferences (1975, 1980, 1985, 1990) and continuous diplomatic efforts toward increasing adherence to the Treaty. With 157 parties, the NPT is the most widely supported multilateral arms control treaty.

Under ACDA's leadership, the U.S. has begun extensive and wide ranging consultations with other key NPT parties on issues related to the 1995 NPT Conference which must decide whether the NPT will be extended indefinitely or for a fixed period or periods. The U.S. is pressing for the unconditional, indefinite extension of the NPT in 1995, a goal that was endorsed during 1992 at the G-7 Summit and by members of NATO and the CSCE. ACDA organized the U.S. preparations for and led the U.S. delegation to the first meeting of the 1995 Conference Preparatory Committee which was held on May 10-14 in New York. The meeting was a positive and constructive start to the two-year preparatory process.

In the area of nuclear export controls, there has been substantial activity during the past two years, particularly in the Nuclear Suppliers Group (NSG). The NSG approved during its April 1992 plenary meeting a multilateral arrangement involving export guidelines and a control list of some 65 nuclear-related dual-use commodities. This significant achievement resulted from a U.S. initiative to which ACDA contributed. The NSG also adopted in 1992 a long-sought U.S. objective, i.e., a common policy of requiring non-nuclear-weapon states to accept IAEA safeguards on all their nuclear activities as a condition for any significant, new nuclear supply commitments. In April of this year the NSG plenary agreed to incorporate this principle into its guidelines. ACDA also made important contributions to achieving this objective and to preparing for NSG plenaries and working group meetings, which are now implementing their major steps and seeking to strengthen controls further.

ACDA also reviews certain U.S. export license applications that involve exports of goods and technologies that pose proliferation concerns. ACDA is able to make an independent assessment of such proposed exports, judging them solely against the criterion of whether such exports are consistent with U.S. nonproliferation objectives.

On regional issues, ACDA has been a major participant at all levels in developing arms control and nonproliferation policies toward the Middle East, South Asia, and the Korean Peninsula. For example, within the Middle East peace process the ACDA Director delivered an arms control presentation at the first multilateral seminar in May 1992. With regard to South Asia, the Director chaired bilateral consultations with Indian officials to discuss regional security issues including confidence-building measures that would increase transparency and reduce the risk of conflict. The Director also worked closely with the South Korean government on developing an inspection regime to verify its bilateral agreement with North Korea that neither state would produce weapons-usable nuclear material.

In the past year, ACDA has materially assisted completion of a U.S.-Russian agreement on disposition of some 500 metric tons of highly-enriched uranium (HEU) resulting from dismantlement of former Soviet nuclear warheads. This HEU Agree-

ment was signed in February 1993, after Department of Energy experts and I worked out with Russian MINATOM officials the key parts of the U.S. purchase offer. ACDA will be further involved in work this year on an implementing contract and on transparency measures that are required under the HEU Agreement.

ACDA represents the U.S. on the IAEA's Standing Advisory Group on Safeguards Implementation (SAGSI), the key outside group that advises the IAEA on safeguards matters. The ACDA representative has helped formulate new concepts for detecting undeclared nuclear activities.

ACDA participates actively across the entire range of U.S. policy development and implementation in the areas of conventional arms and technology transfers, unconventional and advanced weapons proliferation (with special emphasis on missiles and chemical/biological weapons (CBW)), commercial space activities, nonproliferation related export controls, and regional arms control initiatives. Last year the Agency made approximately 3,000 documented arms control assessments on exports in accordance with statutory provisions and interagency procedures. It participated in interagency review and decision-making involving proposed exports of defense articles, defense services, and certain dual-use items controlled for missile, chemical or biological-weapons nonproliferation reasons.

In addition to membership on the NSC-chartered policy-level interagency working groups, ACDA participates in the interagency staff-level Missile Technology Export Committee (MTEC) and Missile Trade Analysis Group (MTAG). ACDA provides the executive secretary to the MTAG. Cooperation is growing and improving among MTEC members; membership has increased to 23 countries; efforts are underway to recruit others; and at least six other governments have announced they intend to observe the MTEC guidelines.

ACDA participates fully in U.S. efforts to strengthen international norms against illegal use of CBW and to limit CBW proliferation, particularly through U.S. membership in the 24-nation Australia Group. The Agency actively contributed to Australia Group initiatives to adopt export controls on equipment and BW-related organisms and toxins, and expanded Australia Group membership and an outreach program for nonmembers.

ACDA is engaged in interagency efforts to promote conversion to civilian activity of the defense industry in the FSU. We have given particular attention to the development of entrepreneurial training workshops for Russian nuclear weapons scientists. ACDA, the Department of Energy, and Russia's MINATOM jointly sponsored in Moscow in June 1993 a prototype entrepreneurial training workshop, based on the successful experimental one held at Boston University in July 1992. This workshop has a practical focus—to train Russian nuclear weapons scientists in preparing viable technical and business proposals which could attract investment capital for new civilian enterprises. Similar workshops could focus on ballistic missile technologists in Ukraine and electronics technologists in Belarus.

#### STRATEGIC AND NUCLEAR NEGOTIATIONS

Recent world events have affected the strategic and nuclear area more than any other in the arms control arena. In particular, the dissolution of the Soviet Union in December 1991 continues to have profound implications for treaties in force, as well as for such treaties as START, whose entry into force is, we hope, imminent and whose implementation is provisionally applied in some areas. Historically, ACDA has played a leading role in negotiation and implementation of agreements related to strategic and theater offensive and defensive weapons. Now, ACDA is also carrying out functions related to the new forms being taken by strategic arms control and by related negotiations on nuclear security issues with the Soviet Union's successor states.

##### *Strategic Arms Control Treaties*

Following 1991's signing of the START Treaty, strategic arms reduction negotiations in 1992 proceeded towards key accomplishments on three levels. First, consultations after the December 1991 demise of the Soviet Union succeeded in solving the thorny succession problem for START—a prerequisite for Treaty ratification and entry into force. This START succession problem was legally resolved by the Lisbon Protocol to the START Treaty signed by the U.S., Russia, Ukraine, Belarus and Kazakhstan in Lisbon on May 23, 1992, which recognized the four former Soviet states as START parties and as successors to Soviet obligations under START. This Protocol, together with accompanying commitments by the non-Russian states to have nuclear systems removed from their territory, cleared the way for Senate consent to ratification of the START Treaty on October 1 and Russian legislative approval on November 4. All Parties to START, with the exception of Ukraine, have now given legislative approval to the Treaty. The Lisbon Protocol also obligates



Ukraine, Belarus, and Kazakhstan to accede to the Nuclear Non-Proliferation Treaty as non-nuclear weapons states in the shortest possible time. Thus far, only Belarus has fulfilled this obligation.

Second, five-power implementation discussions were held both in diplomatic channels and in the sessions of the Joint Compliance and Inspection Commission (JCIC) held during the Spring and Fall of 1992 and the Spring of 1993, in anticipation of START's entry into force later this year. The U.S. JCIC Representative is located in and supported by ACDA. In addition, as anticipated by the START Treaty, initial steps were taken to implement certain START provisions even before the Treaty came into force.

Third, building on the foundation of the START Treaty, the United States pursued follow-on strategic arms reductions through bilateral negotiations with Russia (eventually to be the only state on the territory of the former Soviet Union with nuclear weapons) which culminated in the signing of the START II Treaty on January 3, 1993. This historic treaty will reduce the nuclear arsenals of Russia and the U.S. to the level of 3000-3500 actual weapons, and will result in the complete elimination of MIRVed land-based ICBMs by the year 2003, or possibly earlier.

The Strategic and Nuclear Affairs Bureau (SNA) and other elements within ACDA have been actively involved in providing policy recommendations and leadership on START Treaty issues throughout 1993. SNA represented ACDA in the various interagency groups which analyzed and reached resolution on a number of issues important to implementation of the START Treaty. For example, SNA chairs the interagency JCIC Backstopping Committee, which is charged with the principal responsibility of development of guidance and instructions for the JCIC Delegation and diplomatic communications for delivery to the governments of the START Parties in their respective capitals. SNA also provides the JCIC Delegation in Geneva, and in other venues, with experts and support personnel.

### *INF Treaty*

The Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter Range Missiles (the INF Treaty) entered into force on June 1, 1988. The Treaty banned the production, deployment and testing of all U.S. and Soviet ground-launched cruise and ballistic missile systems with ranges of 500-5500 kilometers (about 300-3,400 miles). Although declared INF missile systems were eliminated by May 31, 1991, the importance of continuing the ban on INF missiles gives the U.S. a continuing stake in the INF Treaty. To ensure that this ban is observed, the Treaty provides for inspections to continue even after the elimination of INF missiles. This includes continuous monitoring inspections and the right of the Parties to conduct an annual quota of short-notice inspections for 13 years after the Treaty's entry into force.

Following the dissolution of the Soviet Union, the United States indicated that it considered the twelve new states emerging from the Soviet Union to be successors to the Soviet Union for the INF Treaty. The successor states have, in turn, indicated that they intend to observe the Treaty. We are discussing with these states the question of how the Treaty is now to be implemented. We have suggested that implementation responsibilities, such as inspections, could be carried out by those successor states with declared INF facilities on their territories (Belarus, Kazakhstan, the Russian Federation, Turkmenistan, Ukraine and Uzbekistan). We are continuing discussions with the successor states on these issues. Those discussions take place in the Special Verification Commission (SVC), whose U.S. Representative is located in and supported by ACDA. The SVC has a very active agenda as it strives to settle implementation details associated with INF Treaty succession.

The Strategic and Nuclear Affairs Bureau (SNA) leads the interagency community in the development of U.S. policy as it relates to INF Treaty implementation, particularly through its chairmanship of the interagency Special Verification Commission (SVC) Support Group (SG). The SVC SG has principal responsibility for developing guidance and instructions for the SVC Delegation and diplomatic communications on INF implementation issues to the governments of the INF Parties in their respective capitals. With the collapse of the Soviet Union, this group is also charged with the challenging task of multilateralizing what was formerly a bilateral Treaty. SNA also provides the SVC Delegation in Geneva, and in other venues, with experts and support personnel.

### *Safety, Security and Dismantlement*

After the United States' August 1991 unilateral initiative on nuclear weapons, the U.S. withdrew its ground launched tactical nuclear weapons from abroad and naval tactical nuclear weapons from ships and began destruction of all U.S. nuclear war-

heads for artillery and short-range ballistic missiles. About fifty percent of the withdrawn naval weapons will also be destroyed. This U.S. initiative prompted reciprocal unilateral Soviet (and subsequently Belarusian, Kazakhstani, Russian, and Ukrainian) unilateral measures reducing both strategic and short-range (tactical) nuclear weapons. ACDA supported consultations on these issues with the newly independent states of the FSU on whose territories former Soviet nuclear weapons systems were located, as well as with U.S. NATO Allies, for whom Western technical assistance to the FSU is a high priority. The withdrawal of former Soviet tactical nuclear weapons systems to Russia from the other newly independent states was completed July 1, 1992. This effort, in addition to the need to ensure the Safety, Security and Dismantlement (SSD) of former Soviet strategic and tactical nuclear weapons, gave rise to the U.S. effort on SSD.

The U.S. dialogue with Russia on the provision of U.S. assistance for the SSD of FSU nuclear weapons began in November 1991. This dialogue expanded into discussions and negotiations with the other FSU states that have former Soviet nuclear weapons located on their territories, specifically, Belarus, Kazakhstan, and Ukraine. ACDA has contributed to the U.S. effort to identify, develop and implement SSD projects which may be candidates for technical and material assistance through the Nunn-Lugar legislation and the Freedom Support Act.

### *ABM Treaty and Ballistic Missile Defense Arms Control Issues*

Arms control activities related to Ballistic Missile Defenses in 1992 included two regular sessions of the Standing Consultative Commission (SCC), the body responsible for implementation of the ABM Treaty; another two such sessions are expected in 1993. During the Presidential campaign, President Clinton voiced his strong support for the continued viability of the ABM Treaty. The next ABM Treaty review must begin prior to October 3, 1993. The U.S. Commissioner to the SCC is located in and supported by ACDA. ACDA also chairs the interagency SCC Backstopping Committee, and provides the legal advisors, policy representatives and support staff for these negotiations.

At the Washington Summit Meeting in June 1992, Presidents Bush and Yeltsin agreed to explore the role for defenses in protecting against limited ballistic missile attacks and to work with allies and other interested states in developing a concept for such a system. In order to start work on developing this concept Presidents Bush and Yeltsin established a High-Level Group to explore: (1) sharing of early warning information; (2) cooperation with participating states in developing ballistic missile defense capabilities and technologies; and (3) the legal basis for cooperation, including possible changes to existing treaties and agreements necessary to implement a Global Protection System (GPS).

The High-Level Group for GPS discussions met in July and September of 1992. The two sides established three working groups: a GPS Concept Working Group, a Technology Cooperation Working Group, and a Non-Proliferation Working Group. ACDA has been a full participant in both the Concept Working Group and the Technology Cooperation Working Group. These groups each met in October 1992, but no further working group meetings have been scheduled. At the Vancouver Summit, President Yeltsin told President Clinton that Russia wishes to continue the dialogue on a GPS. A review of U.S. administration policy on ballistic missile defense issues is underway.

### *Negotiations*

ACDA provides representatives at all arms control negotiations, including legal advisors. ACDA representatives have chaired working groups to develop verification provisions in the START, START II and CFE Treaties. ACDA legal advisors have written the article-by-article analyses to accompany all arms control treaties to the Senate, including INF, TTBT, START, CFE, Open Skies, and START II. ACDA representatives participate as Members of the U.S. SSD Delegation. ACDA support staff has provided secretarial and communications support to delegations during negotiations in the FSU.

### VERIFICATION AND COMPLIANCE

ACDA provides a focal point within the U.S. Government for formulating and implementing arms control verification policy and for assessing the compliance with arms control agreements by U.S. treaty partners worldwide, including the states of the FSU. ACDA plays a leading role in assessing the compliance of treaty partners with arms control obligations. ACDA has responsibility for providing the Congress annually with *The President's Report to Congress on Soviet Noncompliance with Arms Control Agreements*. Further, in accordance with the mandate of Section 52 of the ACDA Act, the Director submits annually a report entitled *Adherence to and Compliance with Arms Control Agreements*. This report details the process by which



the U.S. Government ensures U.S. compliance with its arms control obligations, addresses any charges of U.S. noncompliance, and, in addition, evaluates other nations' compliance with arms control agreements. In January 1993, these two reports were combined into a single report and submitted to the Congress.

Under Section 37 of the Arms Control and Disarmament Agency Act, ACDA is also required to submit reports on the verifiability of arms control agreements to which the U.S. is a party. Such a report was in recent years presented to the Congress with respect to the START Treaty and the CFE Treaty and the Section 37 Report on START II was sent to the Congress a few months ago. A Section 37 Report for the CWC is in preparation.

ACDA chairs the interagency group which is developing inspection procedures and report formats for both the Wyoming MOU Phase II inspections and the Bilateral Destruction and Non-Production Agreement, data exchange, and inspections. ACDA has played a central role in National Trial Inspections (NTI), an exercise which has been critical to developing verification modalities for chemical weapon arms control agreements. ACDA personnel have served as team chiefs for five of the NTIs and two mock inspections at sensitive U.S. facilities.

ACDA has played an important role in inspections and negotiations during the past year.

ACDA has led interagency efforts to develop verification requirements for the START and Open Skies treaties, the U.S.-U.S.S.R. CW Destruction Agreement, and the multilateral CWC. ACDA also conducted "Red Team" verification analyses for the START and CFE Treaties, in which acknowledged experts judged the viability of verification proposals by formulating and assessing the probable effectiveness of evasion scenarios that might be used to defeat verification efforts.

With respect to the INF Treaty, ACDA oversees development and execution of the annual treaty inspection plan. ACDA also provides experienced verification experts to serve on INF inspection teams.

During the coming year, ACDA will prepare several reports for the Congress. Verifiability assessments are in process for the START II Treaty and the CWC. In addition, ACDA will produce the report mandated by the START ratification resolution providing a historical perspective on Soviet compliance and noncompliance with SALT I, SALT II, the ABM Treaty, the INF Treaty, and START. Finally, ACDA will prepare statutorily required annual reports to the Congress: *The President's Report to Congress on Soviet Noncompliance with Arms Control Agreements and Adherence to and Compliance with Arms Control Agreements*.

ACDA will also continue to play a central role in verification activities. As part of the U.S.-U.K.-Russia Trilateral Agreement on Biological Weapons, ACDA leads the U.S. team which has visited former Russian biological weapons facilities. In the coming year, ACDA will continue to lead the U.S.-U.K. inspection teams visiting biological facilities of the FSU. In addition, ACDA heads the U.S. delegation to the ongoing international Ad Hoc Group of Governmental Experts charged with evaluating proposed verification measures for the BWC. ACDA will participate in the interagency evaluation of verification measures for the Biological Weapons Convention proposed by the international verification experts group, and will lead the U.S. delegation at the two sessions scheduled for 1993. ACDA will support the work of the CWC PrepCom with respect to inspection and other verification issues. ACDA will also assist in the planning of and participate in the inspections scheduled to be held this year pursuant to the Antarctica Treaty.

#### RESEARCH

As stated in our Annual Report to the Congress, ACDA's objectives include the conduct and coordination of arms control research, and the dissemination of arms control and disarmament information. Worldwide events of the past two years have magnified the importance of these two missions significantly.

The myriad of new challenges that confront our community demand innovative solutions employing the latest technology. For example, the recently signed CWC presents unprecedented opportunities for developing and deploying advanced verification technologies. The cost of conducting arms control research, both in terms of dollars and human resources, has solidified the necessity for a high degree of coordination between government agencies involved in such research. Similarly, the complexity and scope of recent arms control agreements dictate that all government agencies involved in the arms control business have access to an accurate repository of treaties, negotiating records and data exchanged pursuant to the agreements. ACDA continues to lead the way in the areas of research and information dissemination.

During the past year ACDA undertook a wide range of research projects. One of these studies explored the distinction between Anti-Ballistic Missiles (ABMs) and Anti-Tactical Ballistic Missiles (ATBMs). This study was most important because of the recent proliferation of short range theater ballistic missiles and advances in anti-missile technology and the potential impact on the current ABM Treaty. Two efforts addressed industry involvement and the CWC. Other studies included examinations of potential future Russian targeting policies, defense conversion in the FSU and a variety of treaty implementation issues. Not merely restricting ourselves to formal analyses, ACDA sponsored a series of highly successful Nuclear Policy Workshops that featured distinguished participants from the arms control community. These workshops examined arms control challenges with a view toward providing insights into the kinds of analyses which are necessary to meet future arms control scenarios.

ACDA sponsored a series of five seminars for industry in various cities in the U.S., informing industry representatives on the details of the CWC, and seeking their views. We intend to repeat this exercise later this year.

ACDA continues to be a leader in coordination of arms control research within the U.S. government. For example, ACDA chairs the Arms Control Research Coordinating Committee, and chairs on a rotating basis with the Intelligence Community the Verification Technology Working Group. The first of these coordinates all arms control-related external research and data bases within the U.S. government, while the other focuses on the research and development required to supply the technology base for anticipated post-Cold War activities. In addition, ACDA has hosted the Arms Control Seminar for Defense Science Study Group, which provides promising academicians with a solid overview of the context and requirements of arms control, the role of research and prospects for the future.

In the area of data automation, ACDA is in the midst of an ambitious program to improve the efficiency with which we process information and make vital arms control records available to authorized agencies within the arms control community. During the past year ACDA continued to support the ARENA computer system, which provides users with advanced full text and key field searches of major arms control records. Included are the treaty texts and negotiation records of agreements such as the START, INF, CWC and CFE Treaties. More than 100 organizations, both within and outside government, have copied and implemented the software developed for ACDA databases.

During the past year, ACDA procured and brought on-line an automated arms control data repository. When fully operational this summer, the data repository will provide authorized users with dial-up access to all data exchanged under the terms of arms control treaties.

ACDA also provides extensive data automation support to overseas arms control delegations, in the form of permanent systems in locations such as Geneva, Vienna and The Hague, as well as mobile equipment that can be deployed to temporary sites. The mobile system, which consists of portable computers, printers and a satellite telephone with data fax capability, has seen near continuous use during the past year. We have deployed the mobile office to locations such as Moscow, Kiev, Minsk, and Alma Ata in support of arms control delegations. The delegations' response to the flexibility of this system has been overwhelmingly positive.

These are many of the numerous arms control activities ACDA has been and will continue to be involved in for the foreseeable future.

Therefore, as you can see, the U.S. Arms Control & Disarmament Agency, whose mission is being pushed beyond the traditional approaches to arms control, remains a vital link within the Administration to ensure U.S. national security is maintained.

In closing, I ask for your support, Mr. Chairman, in obtaining Congressional approval to authorize the Administration's request of \$62,500,000 for ACDA in FY-1994. I, my staff, and the members of our overseas delegations look forward to working with this Committee on the crucial and important arms control issues which we now face. Thank you.

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#### CURRENT AND PLANNED FY 1994 ACTIVITIES

**Treaty Succession.**—ACDA will continue to seek the best possible outcome on succession by states of the former Soviet Union to existing arms control agreements.

**JCIC.**—The JCIC is continuing to work out implementing arrangements for START. The U.S. Representative will be based in ACDA, and ACDA leads the inter-agency group that provides him guidance.

**START I/START II Ratification.**—We will be working with State in support of completion of START ratification in Ukraine and in support of START II ratification in Russia.

**SCC.**—The SCC will meet in sessions and XLVI before the end of this year. In addition, the next five year ABM Treaty Review is required to be held before October 3, 1993, and may be conducted in the SCC. ACDA leads the interagency SCC Backstopping Committee, which formulates the ABM Treaty policy and instructions to the U.S. SCC Component. Major issues to be addressed by the SCC this year include resolution of the issue of succession to the ABM Treaty by states of the Former Soviet Union, and the modification of the ABM Treaty, if necessary, in light of changed political circumstances.

**SVC.**—The Special Verification Commission continues to work on resolving issues related to the implementation of the INF Treaty. The SVC will focus on working out implementing arrangements for multilateralizing the INF Treaty. The U.S. Representative will be based in ACDA, and ACDA leads the interagency group that provides him guidance.

**HEU.**—ACDA continues to play a key role in implementing the agreement to purchase former Soviet weapons-grade uranium, in negotiating the attendant implementing contract itself and in establishing supporting transparency measures.

**Conventional Forces in Europe (CFE) Treaty.**—Implementation continues under the Joint Consultative Group (JCG), whose U.S. component is led by ACDA.

**SSD.**—The SSD Delegation and SSD Coordinating Group will be working on further assistance agreements, including agreements to assist in the dismantlement of strategic nuclear delivery vehicles and silo launchers located in the former Soviet Union.

**U.S. Assistance in Russian Chemical Weapons Destruction Program.**—ACDA served as the proponent for and provided leadership to the USG efforts to fulfill the Joint United States/Russia CW Destruction Cooperation Agreement of July 1992. ACDA continues to backstop and lead the bilateral negotiations with the Russian Federation to complete the terms of the July 1992 agreement and participates in the U.S. delegation.

**Nunn-Lugar Funding for Russian CW Destruction.**—ACDA participates in the decision process of the NSC for use of Nunn-Lugar funds allocated for the Russian CW destruction program.

**Preparatory Commission for Implementing the CWC.**—ACDA leads the U.S. delegation and conducts all backstopping. This body addressed:

- Size, structure, and qualifications for the international staff of the Organization for the prohibition of the Chemical Weapons (OPCW), including the qualifications for the international inspectors who will enforce the CWC.

- The budget for the OPCW.

- Inspection and verification issues. ACDA also is responsible for all administrative and logistical support of the Prepcom delegation. ACDA also heads the interagency verification group preparing U.S. position papers for the Prepcom.

**NPT.**—ACDA will continue to provide leadership for the U.S. preparations for the 1995 NPT Conference, including by chairing an interagency NPT Working Group, and by initiating and participating in wide-ranging consultations with other NPT parties. ACDA led the delegation to the first preparatory Committee meeting in New York on May 10-14.

**Regional Efforts.**—ACDA will remain actively involved in U.S. efforts to reduce regional proliferation risks and foster arms control, particularly in East Asia, Europe, the Korean Peninsula, Latin America, the Middle East, South Asia, and the states which have emerged from the former Soviet Union. This will include participating on U.S. delegations, making policy recommendations, and suggesting measures which can help move these states toward reducing the risk that weapons of mass destruction or missile delivery systems will be used or developed. ACDA is actively engaged in U.S. efforts to persuade North Korea to remain within, and abide by, its NPT obligations. ACDA will continue to play an integral role in the multilateral Middle East Arms Control and Regional Security (ACRS) Working Group which complements the bilateral peace process. ACDA will also support and participate in ACRS intersessional activities.

**Open Skies Treaty.**—ACDA actively participates in the Open Skies Consultative Commission—backstopping group and will continue to do so as entry into force of the Treaty approaches.

**Nuclear Suppliers Group, MTCR, and Australia Group.**—ACDA is assisting in charting a future course for these multilateral arrangements by finding new ways to encourage additional adherents, by promoting supplier cooperation in dealing with countries of concern, by tightening up implementation and expanding coverage,



and by proposing new initiatives that help members deal with continued efforts by proliferators to procure items for weapons programs.

**Helsinki Commission Ad Hoc Group on Dumped Chemical Munitions.**—ACDA backstops and provided the U.S. observer to the Helsinki Commission (HELCOM) Ad Hoc Group on Chemical Munitions Dumped in the Baltic in St. Petersburg, Russia on April 19-21, 1993. ACDA will also represent the USG (as observer) at upcoming meetings in Vilnius, Lithuania in September 1993 and the final meeting in Copenhagen, Denmark in January 1994.

**Bilateral Chemical Weapons Discussions.**—ACDA backs tops, and leads the U.S. delegation, for discussions with Russia to develop implementing arrangements for the 1989 Wyoming Memorandum of Understanding on chemical weapons confidence-building measures and for the 1990 bilateral agreement on destruction of chemical weapons.

**Non-Proliferation Bilaterals.**—ACDA will continue to coordinate and participate in bilateral discussions concerning nonproliferation with many countries, e.g., Argentina, Australia, Brazil, Canada, China, India, Japan, North Korea.

**Weapons-Usable Nuclear Materials.**—ACDA will help formulate and implement U.S. policy on how to deal with continued production and existing stockpiles of separated plutonium and highly enriched uranium resulting both from weapons dismantlement activities and from ongoing commercial reprocessing.

**IAEA.**—ACDA will continue to work with the IAEA to ensure that it is informed about all relevant technical tools that could be used to enhance the IAEA's ability to detect undeclared nuclear activities, and that the IAEA receives sound advice on how such tools can be used in practical implementation of safeguards activities. ACDA will also seek to ensure that sufficient funding is available to the IAEA to enable it to carry out its vital safeguards functions effectively.

**CBW.**—Our efforts to stem, from both the demand and the supply side, additional proliferation of chemical and biological weapons are through a multitude of bilateral and multilateral fora. These efforts will continue and expand in the coming year and will include diplomatic consultations with suppliers and potential end users.

**Agreements for Peaceful Nuclear Cooperation.**—ACDA will continue to participate in negotiations with other countries that desire to enter into nuclear cooperation agreements with the United States. At this time the agreement with EURATOM is being negotiated with a view to renewing and updating the present agreement, which expires on December 31, 1995.

**Conventional Arms Control.**—ACDA actively participates in the CSCE Forum for Security Cooperation (FSC), the sole forum devoted to arms control in Europe. Its goals are to build on the arms control achievements to date (CFE, CSBHs, Open Skies) and to promote the arms control agenda through the end of the decade. ACDA is seeking restraint from arms suppliers in regions of instability. ACDA's planned activities include contributions to the Administration's arms transfer policy, harmonization of supplier arrangements, and encouragement of regional arms control.

**Conventional Arms Transfers.**—ACDA initiated several demarches and used the leverage of the munitions licensing process to prevent unauthorized retransfers of U.S.-origin defense articles.

**Transparency in Armaments.**—ACDA, which was designated by the USG to lead the data collection and transmission effort in compliance with the United Nations Transparency in Armaments project, will continue its efforts in this area.

**Export Controls.**—ACDA will continue and expand its role in the review of U.S. munitions and dual-use exports and, as appropriate, prepare demarches to other suppliers.

**Section 37 Reports.**—ACDA has completed the verifiability assessments for the forthcoming START II Treaty and the assessment for the Chemical Weapons Convention (CWC) is in preparation. ACDA will conduct "Red Team" verification analysis for the CWC.

**START Ratification Resolution Report.**—ACDA will prepare the report mandated by the START ratification resolution, providing a historical perspective on Soviet compliance and noncompliance with SALT I, SALT II, the ABM Treaty, the INF Treaty and START.

**CWC Ratification.**—ACDA is leading the interagency task force in preparation for submission of the CWC to the Senate in early fall. ACDA has the lead on the Article-by-Article analysis and preparation of draft implementing legislation. ACDA is also the lead in developing the National Authority to oversee U.S. implementation of the CWC. Additionally, ACDA's Office of Public Affairs provides the chairman for the Public Diplomacy Working Group responsible for implementing the Administration's Chemical Weapons Convention Public Diplomacy.

**Compliance Reports.**—ACDA will prepare statutorily required annual reports to the Congress: *The President's Report to Congress on Soviet Noncompliance with Arms Control Agreements and Adherence to and Compliance with Arms Control Agreements.*

**United Nations General Assembly.**—ACDA has the interagency lead on UN disarmament/arms control issues. ACDA chairs the interagency backstopping group and prepares and coordinates the guidance for U.S. participation in annual fall meetings of the First Committee of the United Nations General Assembly and the annual spring meeting of the United Nations Disarmament Commission. In addition, ACDA chairs the interagency backstopping group and prepares and coordinates the instructions for U.S. participation in any UN studies on arms control or disarmament issues (such as the scheduled 1994 Panel of Governmental Experts on the Conventional Arms Register). ACDA also provides delegation leadership for U.S. participation in these meetings and contributes the bulk of substantive delegation staffing. The ACDA Director makes the annual U.S. policy statement on arms control at the United Nations General Assembly, which is drafted and coordinated within the USG by ACDA.

**Geneva Conference on Disarmament.**—ACDA has the interagency lead on Conference on Disarmament issues. ACDA chairs the interagency backstopping group and prepares, coordinates, and clears the guidance for U.S. participation in the Conference on Disarmament, which covers a number of issues including nuclear test ban, security assurances, outer space arms control, and conventional arms transfer and transparency issues. ACDA also provides the delegation leadership and primary delegation staffing.

**UN Register on Conventional Arms.**—ACDA has the interagency lead on the UN Register on Conventional Arms. ACDA chairs the interagency task force on Transparency in Armament issues, and pulls together the U.S. data for submission to the UN Register. ACDA will provide an expert and coordinate interagency guidance for U.S. participation in the 1994 UN Meeting of Governmental Experts addressing transparency in armaments issues and the question of expansion of the UN Register.

**Biological Weapons Convention.**—ACDA has the interagency lead on the Biological Weapons Convention, chairs the interagency backstopping group, and prepares and coordinates the guidance for U.S. participation in international meetings related to the Convention. ACDA led the U.S. delegations to the 1991 Review Conference and the Ad Hoc Group of Governmental Experts to Identify Potential BWC Verification Measures. Should a majority of States Parties call for a Special Meeting to review the results of the Expert's work, ACDA will initiate and coordinate preparations for the meeting in the U.S. role of Depositary, which will require consultations with the other two Depositary Governments (Russia, UK). ACDA will also coordinate substantive views of the U.S. about any such meeting. ACDA will contribute to interagency evaluation of verification measures for the Biological Weapons Convention proposed by the international Ad Hoc Experts Group. Further, ACDA led the U.S. delegation on the first of two sessions scheduled for 1993 of the Ad Hoc Group of Verification Experts and will lead the second session in late September.

**On-Site Inspection Assessment.**—ACDA will assess the feasibility, value and limitations of on-site inspection as a verification tool for various treaties.

**Technical Support of Negotiations.**—ACDA is continuing to provide expert verification advisory support and representation to ongoing negotiations on regional arms control arrangements, chemical weapons agreements (bilateral and multilateral) and SSD; ACDA is also providing this support and representation for implementation and compliance of ABH, CFE, INF, START and the TTB treaties through their appropriate commissions: SCC, JCG, SVC, JCIC and BCC respectively. Additionally, ACDA will provide advisory support and representation for negotiations on a Comprehensive Test Ban. Once the START II Treaty enters into force, ACDA will also provide representation and support for the Bilateral Implementation Commission (BIC).

**Intelligence Support.**—ACDA will continue to provide intelligence analyses and data to support policy formulation, verifiability assessments, and treaty implementation and compliance.

**Guidance to USIA on Verification Activities.**—ACDA will continue to provide verification guidance to the On-Site Inspection Agency (OSIA) through the established interagency mechanism to support implementation of existing and planned inspection regimes.

**Verification Resources.**—ACDA will enhance the verification resources of the USG by acquiring sufficient ACDA personnel to deal with both the verification requirements of future arms control agreements and the implementation and compliance needs of current treaties.

**Treaty Implementation.**—ACDA is continuing its efforts to establish and develop effective internal mechanisms for treaty implementation as well as guidance for existing and projected consultative mechanisms.

**BW Trilateral Visits.**—ACDA will continue to lead the physical visit portion of the USG effort with respect to the Biological Weapons Convention trilateral exercise to build confidence in the illegal Russian BW program.

**Liaison With Intelligence Community.**—ACDA will further expand its participation in the verification and compliance work of Intelligence Community components in support of verification and compliance. ACDA is participating in intelligence community examinations of new approaches to technologies for arms control verification.

**Middle East.**—ACDA will continue to contribute to the Middle East Peace Process Multilateral Arms Control and Regional Security (ACRS) Working Group.

**Antarctic Inspections.**—ACDA will co-chair the planning effort and will participate in the two inspections to be held this year pursuant to the Antarctica Treaty.

**Advanced Projects.**—ACDA has recently established a new Advanced Projects Office to originate, develop, and evaluate innovative arms control and nonproliferation concepts. This office will be consulting frequently with Capitol Hill and welcomes Congressional input.

**Environmental Modification (ENMOD) Convention.**—ACDA has the interagency lead on the Environmental Modification Convention, chairs the interagency backstopping group, and prepares and coordinates the guidance for U.S. participation in related meetings. ACDA headed the U.S. delegation to the 1992 Review Conference, as well as to subsequent consultations. It is possible that issues related to ENMOD may surface in 1994, and ACDA will continue to provide interagency leadership on these issues.

**African Nuclear Weapon Free Zone.**—ACDA has the interagency lead on the emerging Treaty on an African Nuclear Weapons Free Zone and chairs the interagency task force to develop a U.S. position on these questions.

**Consultations With Allies.**—ACDA chairs the interagency backstopping group and drafts substantive guidance for U.S. participation in semi-annual NATO arms control consultations, and well as for select arms control/CD related consultations with Allies.

**Repository of Exchanged Arms Control Data.**—ACDA is continuing the establishment of the U.S. repository of data exchanged internationally pursuant to arms control agreements (CFE, CWWB, INF, Open Skies, and START), to be maintained on computer databases so that Federal agencies can dial up the repository and obtain immediate access to this information.

**Wheat.**—ACDA will release its annual report on World Military Expenditures and Arms Transfers (WHEAT) in early fall, 1993. WHEAT (92) will contain a data series from 1981 to 1991 for each country and regional grouping, and will be the final edition analyzing the context of the cold war division between East and West. The subsequent edition, in FY 1994, will reflect the post-cold war context with new countries, groupings and analysis.

**Defense Conversion.**—ACDA, along with DOE and Russia's MINATOM, has sponsored a prototype entrepreneurial training workshop in Moscow for twenty-two Russian nuclear weapons scientists. The MINATOM Minister has requested that this effort be expanded and strengthened with alternating workshops in Russia and the U.S. Work will continue in training these Russian scientists on how to prepare technical and business proposals that could attract investment capital for civil market-oriented enterprises. This provides a unique opportunity for us to train the core personnel of the Russian nuclear weapons complex.

**Iraq.**—ACDA contributed to the interagency process supporting U.S. contributions to the UN Special Commission (UNSCOH) and the IAEA in their work on Iraq.

## ACDA SIGNIFICANT ACCOMPLISHMENTS OF LAST YEAR

**START II was Completed and Signed.**—ACDA was the principal drafter of the Treaty text and led the team that worked out the final text.

**JCIC.**—JCIC—the START implementation forum—resolved procedures for governing the operation of the JCIC in light of the breakup of the Soviet Union and completed a series of agreements utilizing such procedures; the U.S. Representative is based in ACDA, and ACDA led the interagency group that provides him guidance.

**SCC.**—The SCC met for session XLIII and XLIV from October 26 through November 7, 1992. The sides discussed succession to the ABM Treaty by states of the former Soviet Union and the need to update the Treaty to meet changed political circumstances. Ukraine had representatives at both SCC sessions.



**SSD.**—ACDA worked closely with the former SSD Representative—former ACDA Director William Burns—on agreements for assistance to Belarus, Kazakhstan, Russia, and Ukraine for the safety, security and dismantlement of nuclear weapons.

**HEU.**—ACDA played a key role in negotiating the agreement with Russia to purchase 500 metric tons of HEU from dismantled weapons.

**START Ratification Resolution Report.**—ACDA prepared the report mandated by the START ratification resolution providing a historical perspective on Soviet compliance and noncompliance with the ABM Treaty, the INF Treaty, SALT I, SALT II and START. That report was recently forwarded to Congress by President Clinton.

**Chemical Weapons Convention (CWC).**—Negotiations were completed in Geneva in September 1992; the CWC was endorsed by the UNGA in November, and signed in Paris in January, 1993. ACDA led the delegation through all of these efforts and chaired the USG backstopping supporting the negotiations.

**Preparatory Commission for Implementing the CWC.**—This body was established in The Hague. ACDA leads the U.S. delegation to this Commission and chairs USG backstopping in support.

**Biological Weapons Convention (BWC).**—ACDA led the U.S. delegations to the 1991 Review Conference and the Ad Hoc Group of Governmental Experts to Identify Potential BWC Verification Measures, which has met once in 1993 and will meet again in September to conclude its work.

**Conventional Forces in Europe (CFE).**—Implementation continues under the Joint Consultative Group (JCG), whose U.S. component is led by ACDA.

**Special Verification Commission (SVC).**—SVC—the INF implementation forum—worked to resolve succession state issues and procedures for governing the operation of the SVC in light of the breakup of the Soviet Union; the U.S. Representative is based in ACDA and ACDA leads the interagency group that provides him guidance.

**United Nations General Assembly.**—UNGA First Committee: This past March, the UNGA First Committee held an unprecedented “resumed” session to address the United Nations Secretary General’s Report on “New Dimensions” (in arms control and security) and to consider how the First Committee should best be constituted to meet the challenges of a new time. ACDA prepared, coordinated, and cleared the guidance for the U.S. and provided leadership for the U.S. delegation. ACDA also prepared a submission to the United Nations containing detailed U.S. views on the Secretary General’s Report.

**UNGA Disarmament Commission:** ACDA prepared, coordinated, and cleared the guidance for U.S. participation in the annual session of the UNDC. This spring, the UNDC developed agreed recommendations on Regional Disarmament issues.

**Helsinki CSCE Summit.**—ACDA actively participated in laying the groundwork for agreement at Helsinki on beginning a new arms control forum, the Forum for Security Cooperation (FSC), to continue the arms control agenda in Europe through the end of the decade.

—UN Studies/UN Study on Outer Space CBHs: ACDA chairs the interagency backstopping group and prepares, coordinates, and clears the instructions for U.S. participation in any UN studies on arms control or disarmament issues. This July, the study on Outer Space Confidence Building Measures will be completed; an ACDA expert is representing the United States.

**Geneva Conference on Disarmament.**—This year, in addition to general guidance for the delegation’s use, ACDA has prepared and coordinated supplemental guidance on issues the CD was addressing related to:

- the CD’s view on the UN Secretary General’s Report on “New Dimensions;”
- the CD’s report on its own activities, including the question of membership expansion, for review by the UNGA First Committee resumed session; and
- other issues related to items under consideration in the four ad hoc committees (nuclear test ban, outer space arms control, negative security assurances, and transparency in armaments/conventional arms control). In particular, ACDA worked with the interagency to develop a U.S. proposal for discussion in the CD of conventional military procurements and holdings; this proposal was put forward in May.

**Environmental Modification (ENMOD) Convention.**—ACDA has the interagency lead on the Environmental Modification Convention, chairs the interagency backstopping group, and prepares and coordinates the guidance for U.S. participation in related meetings. ACDA headed the U.S. delegation to the 1992 ENMOD Review Conference, as well as a subsequent informal consultation sponsored by Canada and Switzerland on issues related to scope and definition of the Convention, held during 1993.

**NPT.**—ACDA leads U.S. preparations for the 1995 NPT Conference, headed the U.S. delegation to the first NPT Preparatory Committee meeting in May 1993, and prepared all position papers and instructions for the delegation. ACDA has initiated and supported wide-ranging consultations with many NPT Parties and support for the U.S.-shared objective of indefinite NPT extension is growing. ACDA also has led U.S. efforts to promote universal adherence to the NPT which now has nearly 160 parties.

**Middle East.**—ACDA has contributed significantly to the Middle East Peace Process Multilateral Arms Control and Regional Security (ACRS) Working Group. ACDA drafted strategy papers to support President Bush's Middle East Arms Control Initiative. ACDA played a key role in the third meeting of the Working Group held in Washington from May 18-20, 1993. ACDA represented the United States at the first ACRS Intersessional Event—an air base visit to RAF Coltishall in the United Kingdom (June 8-10).

**IAEA.**—ACDA played a central role in U.S. efforts to strengthen the IAEA safeguards system.

**Nuclear Suppliers Group (NSG).**—ACDA played a key role in getting the NSG to improve nuclear controls—e.g., adopt full-scope safeguards as a condition of supply and create a multilateral arrangement for the control of nuclear related dual-use commodities.

**MTCR.**—ACDA participated in all international and multilateral efforts to strengthen the MTCR and served as the Executive Secretary of an interagency group which has successfully stopped many foreign transfers to countries with missile projects of concern.

**CBW Proliferation.**—ACDA initiated U.S. CBW consultations with various countries on the need to strengthen export controls and address CBW proliferation and developed a proposal, adopted by the Australia Group, to encourage harmonization of export controls.

**Australia Group.**—ACDA served as the informal Executive Secretariat for the U.S. delegation to the biannual meeting of 24 countries.

**Export Controls.**—ACDA reviewed all significant U.S. munitions and dual-use related exports and prepared over 95 demarches to other nuclear suppliers.

**OAS.**—ACDA led U.S. efforts to obtain an Organization of American States General Assembly Resolution on nonproliferation and arms control which was adopted by consensus.

**Conventional Arms Transfers.**—ACDA initiated several demarches and used the leverage of the munitions licensing process to prevent unauthorized retransfers of United States-origin defense articles.

**UN Register on Conventional Arms.**—ACDA chairs the interagency task force on Transparency in Armament issues, and pulls together the U.S. data for submission to the UN Register. Submissions were requested by April 30; the U.S. data was hand delivered to the UN on April 29. In addition, ACDA coordinates and clears related instructions for use in Transparency in Armaments discussions, as noted, in the Conference on Disarmament.

**Compliance Reports.**—ACDA led the interagency effort to prepare the consolidated *President's Report to Congress on Soviet Noncompliance and the report on Adherence to and Compliance with Agreements* (which were submitted as a combined report this year).

**Section 37 Report.**—ACDA prepared the statutorily required verifiability analyses for the CFE Treaty and START.

**CW National Trial Inspections.**—ACDA headed planning activities for and led inspection teams for five chemical weapons National Trial Inspections and two mock inspections at sensitive facilities.

**START/CFE Red Team Analyses.**—ACDA conducted "Red Team" verification analyses for the START and CFE Treaties, in which acknowledged experts judged the viability of verification proposals by formulating and assessing the probable effectiveness of evasion scenarios that might be used to defeat verification efforts.

**Iraq Inspections.**—ACDA personnel have contributed to the interagency process supporting U.S. contributions to the UNSCOM, have served on the UNSCOM ballistic missile inspection teams and as UNSCOM liaison members on the detection and destruction of chemical weapons, all in Iraq.

**Guidance to OSIA on Verification.**—ACDA provided, through the interagency mechanism, verification guidance to the OSIA on the implementation of verification procedures, methods and analysis for the CFE Treaty, the INF Treaty, and the TTB Treaty.

**Verification Request.**—ACDA led interagency efforts to develop verification requirements for the START and Open Skies treaties, the U.S.-U.S.S.R. CW Destruction Agreement, and the multilateral CW Convention.

**Technical Support to Negotiations/Implementation.**—ACDA provided expert verification advisory support and representation to the START and CW negotiations, as well as to the BCC, JCIC, SCC, and SVC implementing commissions.

**START Exhibitions.**—ACDA personnel participated in U.S. preparations for early exhibitions of missiles and bombers agreed to in preparation for implementation of the START treaty.

**START Telemetry Demonstrations.**—ACDA personnel participated in demonstrations of both U.S. and Russian telemetry equipment.

**Intelligence Support.**—ACDA provided intelligence analyses and data to support policy formulation, verifiability assessments, and treaty implementation and compliance.

**Representation on Intelligence Community Committees.**—ACDA participated in the work of interagency intelligence committees for weapons and space systems, nuclear weapons, science and technology, nonproliferation, and arms control counterintelligence, providing arms control expertise.

**Intelligence Support to Nonproliferation.**—ACDA personnel provided background data, assisted in drafting demarches to foreign governments, and ensured that intelligence data were properly and promptly approved for use in diplomatic activity supporting U.S. nonproliferation policy.

**Defense Conversion.**—ACDA, DOE and Russia's MINATOM, in June 1992, jointly sponsored the first experimental entrepreneurial training workshop at Boston University for Russian nuclear weapons scientists from Arzamas-16 and Chelyabinsk-70.

**Arena System.**—ACDA has set up the ARENA system of computer databases composed of the detailed records of arms control negotiations to enable analysts to search rapidly the complete record texts to locate critical items; these classified records are made available to all concerned Federal agencies.

**Repository of Exchanged Arms Control Data.**—ACDA is in the process of establishing the U.S. repository of data exchanged internationally pursuant to arms control agreements (CFE, CWBW, INF, Open Skies and START), to be maintained on computer databases so that Federal agencies can dial up the repository and obtain immediate access to this tension-reducing information.

**Arms Control Research Coordinating Committee.**—ACDA established this committee, composed of representatives from the Federal departments and agencies concerned with arms control (CIA, DNA, DOE, JCS, NSC, OSD, OSIA, and State) to serve as a vehicle for exchanging information and fostering cooperation on their arms control R&D programs.

**Computer Support to Arms Control Delegations.**—ACDA has installed a computer system in The Hague, Netherlands to support the U.S. delegation to the Preparatory Commission for the Chemical Weapons Convention. ACDA has also provided a mobile office computer support capability for arms control delegations working in the former Soviet Union so that they have access to modern data processing equipment.

**Seminars on Crisis Stability.**—ACDA participates as a co-sponsor in a series of seminars on Crisis Stability, organized by Science Applications International Corporation (SAIC). These seminars include such topics as the offense/defense relationship, strategic treaty follow-on concepts, and other issues relevant to nuclear strategic arms control. Participants include ACDA, DNA, DOE, OSD and other experts from both inside and outside the government.

**MTCR Negotiations With Russia.**—ACDA's recommended negotiating position was adopted by the Administration in the U.S.-Russian bilateral MTCR negotiations.

**Computer Export Policy.**—ACDA conceived and developed several policy options for senior-level interagency review of computer and supercomputer export policy.

The CHAIRMAN. Thank you very much indeed. I understand Ambassador McNamara has no statement but is prepared to answer some questions.

Ambassador McNAMARA. No statement. I would just like to join my colleague, Tom, in saying that the State Department, and indeed everyone in the administration, is fully committed to the revitalization of ACDA that the President and the Secretary of State have made their views known on this. Their commitment is quite firm that we join with ACDA and Tom Graham in the effort to revitalize ACDA in a way that will make a significant difference. We



all believe in our arms control policy and in our overall national security policy.

I have no further statement.

The CHAIRMAN. I thank you very much, and we now come into the question period. I will limit myself to 10 minutes, and would ask the staff to let us know when the 10 minutes expires.

My first question is a very broad one indeed. There have been several references to the revitalization of ACDA. What is your interpretation of revitalization?

Mr. GRAHAM. Mr. Chairman, to a considerable degree we have looked at revitalization from the viewpoint of the report of the Inspector General, Mr. Sherman Funk, which was completed last year. That was a very thorough review of the Agency and of arms control policy, and we have been guided by it to a considerable degree.

We also have paid close attention to the bill that you and Senator Simon have introduced, and also to the legislation on the House side. There are a number of issues that have been raised by the legislation, your legislation and that on the House side, and by the Inspector General's report. They include the management and conduct of negotiations, export control, coordination of research, the rationalization of reporting functions, and the like.

The CHAIRMAN. I appreciate those thoughts, but I guess I did not express myself properly. What will be different, in your view, with a revitalized ACDA. ACDA is supposed to be doing all of these functions now, and is doing many of them. What will be the difference between ACDA today and ACDA revitalized?

Mr. GRAHAM. Well, one of the differences, Mr. Chairman, is that ACDA will actually be doing these things. Some of them we have been doing, and some not. In the last decade or so some of the functions that ACDA formerly had carried out were taken from the hands of the Agency. Now, we will actually be doing many of these and will be expanding even beyond what we did in the late 1970's.

We expect to have more influence over the management and conduct of arms control negotiations. We expect to have more authority to deal with the question of sensitive exports in connection with our nonproliferation policy, and also, Mr. Chairman, the Agency is going to be even more committed to its mission to presenting effectively the arms control perspective, and we think that is an important part of revitalizing the Agency.

The CHAIRMAN. I do not mean to press you on this, but the word "more,"—more this, more that—comes into it. What would be a specific example of something that would be done by the revitalized agency that is not being done now?

Mr. GRAHAM. Well, one example would be the conduct of certain negotiations.

The CHAIRMAN. Do you mean that ACDA would play more of a role?

Mr. GRAHAM. ACDA would provide the negotiator and manage the backstopping policy process. We also have an understanding now that all arms control implementing bodies will be led by ACDA officials and we have just concluded an arrangement on that with respect to the multilateral implementing bodies in Vienna, the Joint Consultative Group under the CFE Treaty, for example.

As I said a moment ago, we plan to be much more involved than we have been in the past in managing, in helping to manage the export control process.

The CHAIRMAN. And in proliferation, the NPT question, would that be under ACDA mandate, or under State Department mandate?

Mr. GRAHAM. Well, it will be a shared responsibility, Mr. Chairman. ACDA has a very strong Bureau which has responsibility for nonproliferation policy. We have a lot of technical experts.

We expect to be involved in all nonproliferation activities. The Agency will be leading the U.S. delegation to the Nuclear Non-Proliferation Treaty Extension Conference in 1995, and we will be leading the U.S. efforts to prepare the way for that conference.

We have already led the U.S. delegation to one of the preparatory committee meetings for the conference. There are three leading up to the conference in 1995. The first one took place in New York about 2 months ago, and we will be involved in dealing with other countries around the world in trying to garner support for the U.S. position for indefinite extension of the treaty in 1995.

The CHAIRMAN. I guess, in fact, the responsibility will rest with those officials who have the most vigor, the most knowledge, and the most ability, no matter whether they are ACDA or State. That is what will actually emerge.

Mr. GRAHAM. As I say, Mr. Chairman, this will be a shared and cooperative responsibility, as it should be. I mean, the State Department has responsibility for bilateral relations with countries around the world, and obviously nonproliferation is very much a part of that.

On the other hand, nonproliferation is a technical arms control issue, and that involves ACDA, so I expect ACDA to be very much involved in this process, but it will be a shared process, a shared responsibility.

The CHAIRMAN. Thank you. Now for some more specific points, and the staff will interrupt me when the 10 minutes is up.

Given that the CWC, or Chemical Weapons Convention, may not as a legal matter enter into force until 1995, why are the PrepCom costs so high for 1994?

Mr. GRAHAM. Well, Mr. Chairman, we are trying to reduce them. The original budget for the Preparatory Commission for the forthcoming year was \$100 million with a staff of some 900 technical experts. We have cut that back to an overall estimate now of \$80 million, and the ACDA \$16 million item is an indication since the U.S. Government is responsible for 25 percent of the Preparatory Commission budget, that we can cut it further. We have been able to persuade the Commission to cut some 200 people from its staff.

It is a very important function that the Preparatory Commission will be working on. They have to develop all of the verification procedures for the Chemical Weapons Convention. They have to create the technical secretariat which will manage the inspections.

It is quite a large task to prepare some 140 plus countries to deal with the extensive onsite inspection regime established by the convention. This regime has to be ready to operate effectively when the treaty goes into force, which will be, we hope, early in 1995.

The CHAIRMAN. Why are we being asked to pay more than a quarter, 25 percent of the total costs?

Mr. GRAHAM. I may have to answer that more precisely for the record, Mr. Chairman.

The CHAIRMAN. Certainly.

Mr. GRAHAM. I believe it was a negotiated percentage.

The CHAIRMAN. How many people will be employed? You say there were 900 originally and you let 200 go. So does that mean there are 700 employed by PrepCom?

Mr. GRAHAM. It will be something like that. About 600 when it reaches full strength in 1995. The 25 percent is consistent with our United Nations contribution.

The CHAIRMAN. And I would add that at any point here if Ambassador McNamara wants to add a supplemental point please jump in, or if you disagree with any point please let us know.

Ambassador McNAMARA. Thank you, Mr. Chairman.

The CHAIRMAN. No news means acquiescence.

Ambassador McNAMARA. So far I acquiesce, sir.

The CHAIRMAN. Are there any other executive branch agencies planning to contribute to the U.S. share of PrepCom expenses?

Mr. GRAHAM. No, it is solely an ACDA responsibility.

The CHAIRMAN. Thank you. My time having expired, I believe there is a vote on. Have you voted?

Senator SIMON. I have not voted. Maybe we could just recess and come right back.

The CHAIRMAN. We will recess the committee to vote, and we will be right back.

[A brief recess was taken.]

The CHAIRMAN. The committee will come to order. The chair recognizes Senator Lugar.

Senator LUGAR. Thank you very much, Mr. Chairman. Gentlemen, the Secretary of State and the National Security Advisor have followed closely the development of S. 1182, the Arms Control Non-proliferation Act of 1993. As I understand, the administration representatives from the State Department, ACDA, and the NSC met with Foreign Relations Committee staff members to reach agreement on this legislation before it was introduced.

My questions, all of them, really come to the point of are there agreements or differences at various stages?

First of all, I believe the Secretary believes that ACDA should maintain its current relationship to the Secretary of State and the President as set forth in the founding act. Is it your view that the proposed legislation is consistent with that objective of the Secretary of State?

Mr. GRAHAM. Senator Lugar, it is agreed in the executive branch that this relationship should not change, and it is my view that S. 1182 is intended to be consistent with that principle.

Senator LUGAR. So, the relationships remain the same, and there is really no difference in that area?

Mr. GRAHAM. The basic relationship between the Secretary of State and the ACDA Director remain the same.

Senator LUGAR. Second, the Secretary of State also believes that ACDA should have primary responsibility for international arms control negotiations and implementing fora, but that in specific



cases the executive branch should retain flexibility to organize itself as it chooses around that principle.

My question is, does the proposed legislation, S. 1182, in your view permit the executive branch that degree of flexibility?

Mr. GRAHAM. Well, Senator Lugar, as a basic principle the President as the head of the Government, and the Secretary of State as the official primarily responsible for the management of foreign relations in working with other officials of the executive branch such as the Director of ACDA and so forth, do retain authority to deal with specific situations as they arise and to make arrangements for the effective management of such situations, and I am just speaking personally at this point.

The language of the bill and the concept which you just enunciated, which is set forth in Secretary Christopher's letter, basically do not seem to me to be all that far apart. The primary role within the executive branch for managing and conducting arms control and disarmament negotiations should be with ACDA. ACDA has the responsibility to do this. And in most cases, the negotiating Ambassador will be an ACDA official. Secretary Christopher's letter makes that clear.

The language of the legislation is different but ultimately, as I said as a basic principle, the President and the Secretary of State retain the authority to organize the executive branch as they see fit to deal with specific foreign policy situations. So, I do not believe in actuality there is a great deal of difference.

The executive branch agrees with the legislation that ACDA should have the primary role in managing and conducting arms control negotiations.

Senator LUGAR. Ambassador McNamara, do you have any further views on this issue? And please step in on any of these that you wish to.

Ambassador McNAMARA. Senator, I think the views of the Secretary of State are quite clearly expressed in the letter that he sent to the chairman. I do think there are some concerns with respect to the language as currently in the proposed legislation with respect to the authorities of the Secretary of State.

The concern is not that those authorities are abrogated in the proposed legislation but that the clear lines of authority in the current law appear, by dropping the mention of the Secretary of State in any number of places throughout the legislation, to be diminished. Whether or not the intention was to do that, there is an appearance that that has occurred.

In the current law the Secretary of State is mentioned specifically in at least four or five places, and in the new legislation these references are dropped. That raises some concern on the part of the Secretary and the Department of State as to what the intention and meaning was.

Senator LUGAR. Would your suggestion be that the Secretary of State by specific mention be reinstituted? Would that be a constructive thing?

Ambassador McNAMARA. I think that would be constructive. I think the Secretary, as he said, noted that ACDA should maintain its current relationship, and that relationship as reflected in existing law is quite acceptable.

With respect to the primacy of access in arms control I think that is also very clear from the Secretary's letter. He has no problem whatsoever with noting that ACDA has a primary, indeed the primary responsibility within the executive for presenting the arms control perspective, for participating as a primary advisor of the President and the Secretary of State in arms control matters, that it should conduct most if not all arms control negotiations, it should conduct all or at least take the lead in all of the implementation bodies that are created for implementing those negotiated arms control agreements, and that it should be a strong force for the arms control perspective and point of view in administration councils.

I think the intention of the Secretary, and I believe of the President, is to make sure that that occurs in this administration. The chairman asked a question about what is understood by revitalization, and I would like to take the opportunity to comment on how the Secretary of State and the State Department view the concept of revitalization, if I may. I think revitalization as we see it entails four very important elements.

The first is new and strong leadership in ACDA, and the administration is firmly committed to new and strong leadership in ACDA—a new Director, a strong Director. I think the second element of leadership that the Secretary and the President are interested in displaying is their own personal commitment to the arms control process, to the revitalization of ACDA's position in that arms control process. They have expressed that quite forcefully in at least one or two occasions recently: the President in his statement on July 3 and the Secretary in his letter to the chairman.

The second element in revitalization is internal agency changes—changes to strengthen the Agency. One of the weaknesses over the past decade that ACDA has suffered from is a debilitation of its technical expertise. Specialists in arms control who over the course of the years who have retired, or have moved on to other duties and other responsibilities either elsewhere in government or in the private sector, have not been replaced. This gradual debilitation has got to be reversed. And we very strongly support the attempt and will continue under the new leadership to reverse that trend and to revitalize ACDA by giving it that foundation, that absolutely necessary foundation of expertise and competence in arms control areas.

The third aspect of revitalization is that ACDA should be a full participant in the interagency process under the direction of the National Security Council in arms control matters, policy making as well as implementation, and that full participation means adequate information, adequate time to express its opinion, adequate opportunity to make its views known to the senior levels of the administration including the Secretary of State and the President, and adequate opportunity to reclaim decisions that are made in the course of that process.

And finally, if I may, the fourth element in revitalization is some legislative relief in certain areas. Specifically, the creation of ambassadorial level positions for arms control negotiators in ACDA. Specifically, legislative authority to rebuild that core of experts



that has been debilitated and diminished over the course of the last few years.

I apologize for taking so much time, Senator.

Senator LUGAR. Well, no, that was an important answer to the chairman's question and likewise for my understanding.

Mr. Chairman, I would like to submit three questions for the record that really once again deal with jurisdiction but would just simply ask the witnesses bottomline question.

Does the administration support S. 1182, the Arms Control and Nonproliferation Act of 1993, in its present form?

Mr. GRAHAM. Senator, Ambassador McNamara may wish to add to my answer.

The administration is the process of working with the committee and committee staff to develop a bill that the executive branch can support. There are many elements in S. 1182 that the executive branch can support, but all the language has not been worked out and there have been ongoing discussions with staff people from the executive branch and the staff of the committee.

Ambassador McNAMARA. I would simply add that we are, as Mr. Graham says, in consultation with the staff of the committee. Those consultations I hope will continue. I hope they will be fruitful.

I can repeat the words of the Secretary in his letter to the chairman that we hope, because we want to be able to support your bill, that those consultations will be fruitful and successful. I cannot say at this time that the administration supports the bill as presently submitted.

Senator LUGAR. Thank you.

The CHAIRMAN. Thank you very much. Without objection I will insert in the record at this point the letter from the Secretary to me to which we referred.

[The information referred to follows:]

THE SECRETARY OF STATE,  
WASHINGTON, DC,  
*July 12, 1993.*

DEAR MR. CHAIRMAN: I want to take this opportunity before you begin hearings on "The Arms Control and Nonproliferation Act of 1993" to reiterate to you how much I value our consultations on this issue and the great influence you have had on my thinking and the President's decision to strengthen ACDA. We all agree that ACDA is critical in helping us all to accomplish our arms control and nonproliferation objectives.

The President and I are fully committed to a revitalized ACDA through a combination of strong ACDA leadership, internal agency changes, full participation of ACDA in Executive Branch policymaking, and legislative changes. You should also know that I have been working closely with Tony Lake on our approach. Our continued personal involvement in this effort can ensure the success we both want. I want to be able to support your bill.

As you noted in your June 30 floor remarks, administration representatives from State, ACDA, and NSC met with committee staff members to reach agreement on this legislation before you and Senator Simon introduced the bill. I was disappointed to learn that only a very few of our suggested changes were incorporated. (I am enclosing the administration's comments for your information. It remains my hope that you can incorporate them in the bill.) As you and I have discussed, the administration is proceeding from the principle that ACDA must be a key counsel to the President and the Secretary of State on arms control and nonproliferation. Also, ACDA must be a principal player in decisionmaking and enjoy equal status with the other agencies involved.

In this content let me emphasize the following administration views:

—ACDA should maintain its current relationship to the Secretary of State and the President as set forth in its founding Act;

—ACDA should have primary responsibility for international arms control negotiations and implementing fora, but in specific cases the Executive Branch should retain flexibility to organize itself as it chooses around that principle;

—ACDA should be a full participant in deliberations and decisions on export controls and licensing relating to its statutory authority, but we should not abridge other agencies' responsibilities currently established in law; and

—ACDA should play an important role in the development and implementation of nonproliferation policy, in concert with the Department of State and other agencies, to which it brings a particular perspective that I value highly.

Let me emphasize that I, too, believe that there is need for legislative action, but consistent with the above precepts. I do not believe that ACDA's problems should be fixed by sweeping legislative language which impinges on existing authorities of the President, the Secretary of State and other agencies.

Again, with your guidance and support, this administration is set to revitalize ACDA for our changing world. I look forward to continuing our dialogue with you on this most important piece of legislation.

Sincerely,

WARREN CHRISTOPHER

The CHAIRMAN. Senator Simon.

Senator SIMON. Thank you very much. Let me start off by saying I am one who has been very disappointed in ACDA. I think it has been anemic. It has been simply a tool of other agencies, specifically the Pentagon, with the exception of the Paul Warnke years. Its function has been almost a clerical one. You know, clerical not in the sense of just filing papers but it takes care of the routine. It has not been a policymaking function.

And the four points that you mentioned, Mr. Ambassador, with all due respect, you are giving me oatmeal when I want steak. You know, strong new leadership, personnel changes, a full participant, legislative authority that makes ambassadors out of some people, those are all nice but there is not much substance there. Now, I hope in fact there will be substance in what happens under John Holums' leadership and I hope the administration does something.

But I guess what I want is some kind of restructuring so that if we have an administration 4 years from now that is not dedicated to moving ahead in arms control we are going to have some leadership that is at least potentially a little independent. And if I may ask on the bill that Senator Pell and I introduced, they include these four points. And I would be interested in your reaction to these four points.

One, it gives the ACDA Director the authority to stop dual use arms exports within the interagency process unless the President disagrees. Do you favor that or do you not, or are you unable to speak for the administration? If you are unable to speak for the administration, what is your personal reaction?

Mr. GRAHAM. Senator Simon, ACDA right now is working out a memorandum of understanding with the Department of Commerce that would accomplish at least some of the objectives of that provision.

Senator SIMON. If I may interrupt there, a memorandum of understanding is a great thing. An administration 4 years from now can repeal that overnight.

Mr. GRAHAM. I understand. I just was referring to that as indicating—

Senator SIMON. We are on the same wavelength on that?

Mr. GRAHAM. We are on the same wavelength.

Senator SIMON. OK, all right.

Ambassador McNAMARA. May I comment, Senator Simon?

Senator SIMON. Yes.

Ambassador McNAMARA. I think the need for ACDA to participate in the case of dual use exports is quite clear. There is no doubt that in the past ACDA's position has not been in some cases adequately represented and/or taken into account.

There is, in fact, a basis in legislation for ACDA to participate in that. If that needs to be modified slightly I think that can be done. However, the current bill as proposed would give ACDA essentially a veto power on the process by which such dual use exports are decided to either go or not to go. An appeal to the President in fact is already possible for ACDA. The ACDA Director reports to the Secretary of State and the President and can appeal to the President. There is no need for additional legislative authority to make such an appeal if he or she wishes.

Senator SIMON. Can you recall the last time an ACDA Director went into the Oval Office and had a meeting with the President just by himself?

Ambassador McNAMARA. Well, no. I presume that has happened, but I do not know when the last time was.

Senator SIMON. OK. Well, I just suggest that your answer is the theoretical answer. And it is just not practical.

Ambassador McNAMARA. Well, sir, in practice, when someone like Paul Warnke is the Director of ACDA, he gets into the oval office

Senator SIMON. I understand. And I am trying to build a structure so that it does not have to be a Paul Warnke there. I welcome a Paul Warnke. I hope John Holum is going to be a Paul Warnke. But I want to set up a structure so that whoever is Director of ACDA will have the ability to veto this, unless the President overrules. And I gather your answer is, you do not favor this particular piece of legislation, this part of the bill.

Ambassador McNAMARA. That portion of the bill? That is correct. And that is an administration position. We have sent up a marked up copy of the legislation, in which we have indicated that we do not support that aspect of the bill.

Senator SIMON. OK. Now the second, gives the ACDA Director authority to stop export licenses and programs related to nuclear cooperation, unless the President disagrees. Mr. Graham?

Mr. GRAHAM. Senator. Again, we are working out a Memorandum of Understanding with respect to this area as well. And I would like to add a little bit to my previous answer on the dual use provision.

In my judgment, it is not necessary to give the ACDA Director a veto, as we were talking about it here, over these exports, unless the President overrides it. It is sufficient to give the ACDA Director authority to raise the issue to the level of the National Security Council, so that it can be debated at the NSC Principal level. That, in my judgment anyway, accomplishes the same thing. It raises it to a high political level within whatever administration is dealing with this particular issue.



Senator SIMON. With all due respect, Mr. Graham, I do not think it accomplishes the same thing. I think it is, clearly, far weaker than what we have in the bill. I think what you are seeing is a very different approach. Senator Pell and I are suggesting we need an ACDA with some muscle, with some strength.

You can have memoranda that add a little strength here and there, but frankly, if we are going to have to move in the area of arms control, as we should, I think we have to have more than that.

Mr. GRAHAM. Senator, let me just add that I am not saying that memoranda of understanding can replace legislation. I was just referring to the fact that we were negotiating these memoranda as indicating that ACDA recognizes more needs to be done in this area.

Senator SIMON. But to say that the ACDA leader has the authority to, under a memorandum, to bring it to the National Security Council, I just assumed that ACDA probably has that authority already. That is not the same as having veto power, unless the President overrides. One is appreciably weaker than the other.

And then the third, makes ACDA, under the discretion of the President, the Secretary of State, and the National Security Council, the central organization within the U.S. Government for the formulation and implementation of arms control and nonproliferation policy.

Mr. GRAHAM. Well, Senator, as I understand what you just said, I do not think we are too far apart on that question.

Senator SIMON. Good.

Mr. GRAHAM. The administration position is that ACDA is the prime agency, with respect to the development of arms control policy. We appear to be saying the something on this point.

Senator SIMON. So I am batting one out of three so far, is that it?

Mr. GRAHAM. Oh, I would give you a higher percentage than that.

Ambassador McNAMARA. May I comment, Senator?

Senator SIMON. Yes.

Ambassador McNAMARA. With respect to the nuclear export issue that you raised, the position of the Secretary and of the State Department is similar to the earlier one: Giving a veto power to ACDA is, in fact, to frustrate the process by which decisions are made with respect to exports, whether dual use nuclear exports, or munitions control items that come up for export. To drive those to the President in that manner does, in fact, derogate from the authorities of the Secretary of State.

With respect to ACDA's role in arms control negotiations, and arms control policy, I think there is no question that the administration believes in and intends to implement a strong ACDA, with a leading role in arms control policy formulation and implementation.

But again, the needed flexibility and the authorities of the Secretary of State at times would dictate that he, in fact, is the lead, and has the lead in those areas. The current bill would, in fact, put the ACDA Director, for all practical purposes, directly under the President, and out from under the Secretary of State.

The CHAIRMAN. Since there are only you and I present, please continue.

Senator SIMON. All right. I like the new rules under which we are operating.

The CHAIRMAN. As long as it is only you and I.

Senator SIMON. I guess the point that I want to make is, you say you want to strengthen ACDA. I want to strengthen ACDA. I am not sure whether we are just getting words from the administration, or whether there is a genuine desire to strengthen ACDA. That is where I am. Now, I think I can speak for Senator Pell. We are not, this is not written in stone. We are not in concrete on this. But frankly, I think we want a stronger ACDA than the two of you want.

I do not want to say the Secretary of State does not have a role in all this. I do not want to say the Secretary of Defense does not have a role in this. But I want an ACDA that really is genuinely independent; that can make some very, very tough decisions. Because I guess the basic question is: Are we going to take arms control seriously? I want to take it seriously. And I hope we can move in that direction.

Mr. GRAHAM. Senator, if I may respond to that. I can assure that the administration does want to strengthen ACDA. It does want to revitalize an independent ACDA. We had a long policy debate within the administration about the future of ACDA. The Secretary of State decided to support an independent, revitalized ACDA; the executive branch, as a whole, supports that.

We want to work with the committee to develop legislation that all of us can support. We both, that is the committee and the administration, the Senate and the administration, do have the same objectives. And what we need to do is work out language that we both believe accomplishes the objective of an independent, revitalized, strengthened ACDA.

I have worked at ACDA myself for a long time, for 23 years. I have seen a lot of administrations come and go, and a lot of issues come and go. I have seen the difference that ACDA can make.

Earlier, the chairman referred to the ABM reinterpretation debate. If it had not been for ACDA, an independent ACDA, there would have been no opposition whatsoever within the executive branch, expressed open opposition to the ABM reinterpretation. That is the way it worked out. ACDA did make a difference there.

Likewise, in the recent nuclear testing debate, ACDA made a significant and important contribution, in my judgment, to that debate. The course of the debate was definitely affected by the fact that there was an independent ACDA that was there, that was a player in the interagency discussions about what to do about nuclear testing.

So I can assure you that I, and everyone else that has worked on this issue, now definitely do want a strengthened, independent, revitalized ACDA.

Senator SIMON. Right. And let me just say, we share that. We both want a strengthened, revitalized—well, I forget the third adjective there—

Mr. GRAHAM. Rejuvenated.

Senator SIMON. Rejuvenated ACDA. But I frankly, you will forgive me for being a little skeptical. And I want not just words from the administration, I want to see what happens. And I hope we can work out something.

If I may ask one more question here?

The CHAIRMAN. Please do.

Senator SIMON. On the Comprehensive Test Ban, when do you think negotiations will start on the Comprehensive Test Ban? And will ACDA play a lead role in that?

Mr. GRAHAM. ACDA will play a lead role in that. I would anticipate they would start reasonably soon, within a month or two. I cannot give you an exact date, because we have not arrived at one. Under Secretary Davis is going to be doing some consultations in several of the capitals. After those consultations, we will try to set a program for the commencement of negotiations.

Senator SIMON. Thank you, Mr. Chairman. And I thank both of you.

Mr. GRAHAM. Thank you, Senator.

The CHAIRMAN. Thank you very much. I must say that in connection with the bill that Senator Simon and I introduced, as you can see, there are many pages that are completely crossed out. So we would hope that we could take another look at some of the cross-outs, and reach a true compromise and not just blacken it out.

We all adamantly want ACDA to be a full participant in the export decisions. But I do not yet understand why it should not be required that the concurrence of the Agency be forthcoming on such matters.

Mr. GRAHAM. I think, Mr. Chairman, we agree that the concurrence of the Agency is required. The question is over procedure; whether or not it is sufficient to give the ACDA Director, or ACDA as an institution, the right to raise a specific export issue to the level of the National Security Council principals—that is, the Secretary of State, Secretary of Defense, and so forth—for adjudication. Or whether, as in the bill, the ACDA Director, or again, ACDA as an institution, once it takes a position against a particular export, that can only be overridden by the President himself.

I think it is just a question of procedure that we are talking about; an important question of procedure, which we will need to work out. And hopefully, we can do that at the staff level.

Ambassador McNAMARA. Mr. Chairman, if I may? There is a very well-functioning National Security Council mechanism in place for bringing a variety of perspectives to the attention of the President and the Secretary of State, in determining our foreign policy, our national security policy. As we see it, ACDA should and will take its place as one of those, and in this instance, ACDA would be the voice, the independent voice, making sure that the arms control perspective is brought to bear.

But in fact, a balanced national security policy must take into account, in equal measure, other aspects, nonarms control aspects. Giving a veto power to the ACDA Director, in the opinion of the State Department, would in fact upset the balance, would upset the ability of the national security process to arrive at a balanced conclusion. There are times when ACDA feels very strongly about an



issue, and can take it to the highest levels of the administration. There are other times when other agencies will want to do that.

But ACDA, it seems to us, should fit into that interagency process, as an equal member; not as one who has been given an additional club which the other agencies do not wield.

And finally, in many aspects in the bill, the ACDA Director is given equal position with the Secretary of State. So that you conceivably have a position in which the ACDA Director goes directly to the President, and is no longer subject to the direction of the Secretary of State, as is the case in the current legislation. That veto power, in fact, is a very potent club that can interfere with the proper functioning of the National security process.

Senator SIMON. Mr. Chairman, if I may?

The CHAIRMAN. Yes.

Senator SIMON. You have hit the nail on the head, when you said what this legislation does, and what that particular provision does, is to affect the security balance that we now have. And that is precisely what we want to do.

Because if you have, when you say at the National Security Council a variety of perspectives are heard, that is fine. And you have the Secretary of Defense and the Secretary of State weighing in; and the head of ACDA, who sees the President—if he is lucky—in an individual meeting once every 6 months. And that is probably a very high figure over the course of the term. And the Secretary of Defense and the Secretary of State see the President every day, or virtually every day.

We are saying that this arms control thing ought to be in there more prominently than it is: That the present balance is out of balance. And that there has to be a change.

I feel that very, very strongly. When you say, Mr. Graham, you agree that concurrence of the ACDA Director is required, you really are just saying the ACDA Director ought to be heard at some point along the line. You are not saying that it should be required.

Mr. GRAHAM. I meant to say, Senator Simon, that an export could not proceed without the concurrence of the ACDA Director. If the ACDA Director—

Senator SIMON. And that is what we have in the bill.

Mr. GRAHAM. If the ACDA Director does not concur, then the issue should be debated at NSC, the NSC principal level, among the Director, the Secretary of State, the Secretary of Defense, and so forth.

Senator SIMON. What you are saying is that the agreement of the ACDA Director would be nice, but it is not required.

Mr. GRAHAM. Well, a concurrence. Maybe it is just a semantic difference. That is what concurrence says to me, that it cannot happen without the ACDA Director concurring. If he does not concur, the issue is resolved by the NSC, at the principal level. I thought that was what that meant by that word.

Senator SIMON. But it is not required. Yeah, I understand.

Ambassador McNAMARA. And that, sir, is consistent with the NSC procedure, which allows such issues to be pushed to the National Security Principals, where they are then resolved; but not to force them directly into the Oval Office by the ACDA Director.

Senator SIMON. I understand. We just differ on that. Thank you, Mr. Chairman.

The CHAIRMAN. I think the importance of the independence of ACDA is very real. I am reminded of many years ago, when President Kennedy felt that it was not, did not have the strength behind it to be supported by the Congress, and was going to set it up by Executive order.

And Senators Humphrey and Clark of Pennsylvania and I were able to persuade the President that it should be set up as an independent, legally authorized agency. And ever since then the position has been, maybe, a tiny bit eroded. And what we are seeking to do now is to change the balance, and persuade the executive to carry out the mandate that President Clinton said—where is that quote here?

Yes, Clinton said on July 3, a week ago, that, "Should play an active role in meeting the arms control and nonproliferation challenges of this new era." That presumably means, more than it is doing at this time. I would just strongly concur, using the word concur in the Simon sense. I concur with Senator Simon. [Laughter.]

Also, I would like you to answer why the State Department insisted on the deletion of the references to nonproliferation in our bill?

Ambassador McNAMARA. The State Department did not insist on the deletion of references to nonproliferation in the bill. That was an ACDA suggestion, which we did not object to. ACDA's position was that arms control and nonproliferation are the same, and therefore, the references to arms control include references to nonproliferation. Therefore, there was no need for separate references to nonproliferation throughout the bill.

In fact, I think that was misunderstood. And in the position the administration took, which was supported by the State Department, we put back in references to nonproliferation, precisely because it was being misunderstood. But the striking of references to nonproliferation was not a recommendation of the State Department.

Also, it is not an administration position. The administration position is reflected in the markup of the bill that we gave to the committee. It has references, very specific references, in the purposes and elsewhere in the act to nonproliferation.

Mr. GRAHAM. Mr. Chairman, ACDA has always interpreted arms control to include nonproliferation, and the Nuclear Non-Proliferation Treaty is an arms control treaty. But if it is important to the committee for the word nonproliferation to be in there, obviously, we would not have any objection. We just do not want to create the idea that somehow arms control is separate from nonproliferation. As long as it is understood to be the same, then, it does not matter.

The CHAIRMAN. It should be worked out by staffs, I would think, the proper wording, either one reference or making it all inclusive and continuous.

There will be some more questions that we will submit for the record.

Do you have anything further?

Senator SIMON. I have no further questions, Mr. Chairman.



The CHAIRMAN. We have no further questions at this time. Thank you very much for being with us. I think our objective is the same, a strong, independent, vital, revitalized ACDA.

Mr. GRAHAM. And rejuvenated, yes, it is the same. Thank you.

The CHAIRMAN. Thank you.

Senator SIMON. Thank you.

The CHAIRMAN. We now have Dr. Janne E. Nolan, Senior Fellow of the Brookings Institution and Mr. Michael Krepon, president of the Henry L. Stimson Center.

Dr. Nolan would you proceed, and then I will ask Mr. Krepon to proceed, and then we will have a couple of questions. And may I add, your full statement will be inserted in the record as if read, if you want to abbreviate it.

**STATEMENT OF JANNE E. NOLAN, SENIOR FELLOW,  
BROOKINGS INSTITUTION, WASHINGTON, DC**

Dr. NOLAN. Thank you, Mr. Chairman and members of the committee. I will summarize my statement.

Thank you for the opportunity to testify today. I commend you for taking up this very difficult set of issues. Even though the decision has been made to retain the arms control agency as an independent agency in the executive branch, I think it really is in the details that the devils are going to emerge. And that is what makes the legislation pending before you so vital.

It is in the decisions about staffing, about research allocation, about leadership, about interagency politics, about alignment of authority, that the outcome of ACDA's future will be determined. And I think the legislation has tremendous influence over that, if only to remind that there are very interested parties all around trying to resolve the issues that have plagued the Agency in the past.

I worked at ACDA in the 1970's and have followed its evolution over time. I think it has been beset by remarkable levels of politicization, of undue controversy, of partisan attack. I think part of that has had to do with, aside from cold war politics, the disparity in size and relative clout that has been accorded the Agency.

I do not think, however, that certainly in setting out the first objective to depoliticize the Agency to try to make it into a much more nonpartisan, to be perceived as a nonpartisan and professional Agency that anything could be done about the disparity of size and resources. I am surprised actually today to hear the continuing social Darwinists undercurrents in the discussions that are going on among State and ACDA.

ACDA is a constituent part of the interagency process. It has unique things to contribute. That is what the debate of the last few months has been about. The Agency has particular talents and expertise that should be brought to bear. It has a highly professional staff if it is tapped effectively, and it has unique functions which are not replicated elsewhere in the executive branch.

One more time, oddly, we are having a discussion that—at least the undercurrent of it—has to do with turf. And I think really it is time to move beyond these questions and decide and guide how the allocation of talent and energy and resources will go to make ACDA a fully functional participant in the interagency process.

My view is that ACDA is the natural heir to a large part of what falls under the nonproliferation agenda. If you look at the arms control, the pending arms control challenges in the next 10 years and beyond, they really do relate to nonproliferation in one way or another, whether it is the denuclearization of the former Soviet Union or regional conflict mediation or our own nuclear stockpile problems and other issues of weapons modernization. These really all hinge on some aspect of nonproliferation.

Where ACDA has two main strengths. One is a multidisciplinary staff that could be augmented, if not made larger, with reallocation of staff from old functions into specific nonproliferation functions, reflecting an agenda that is more up to date. ACDA is inherently an interagency entity. It represents personnel from the military services, from the technical community, from the academic community, and from the political community.

As such, at least potentially, ACDA could be a consensus building and analytical agency where a lot of these parochial disputes are worked out because there is a diversity of opinion within the Agency, and the Agency has the ability, drawing on its expertise, to help come up with compelling resolutions of problems.

Second, ACDA has a unique ability to look at the long term. That is its obligation and that is its objective. In most of the problems that I look at, policy planning, not policy reaction, is what is going to be needed and what is needed right now. Quite apart from the pending initiatives such as the CTB, START, and other areas that are well known, one thinks of the problems that are just ahead. Some of these are potentially intractable difficulties, such as how to safeguard and control the spread of advanced dual-use technologies, whether they are computers or space launch vehicles to prevent their diversified weapons use. Another example are recent advances in biotechnologies that promise potentially to revolutionize the use of biological agents and material for military use, something that will defy our current ability to control.

We also need strategy for thinking about the diffusion of space technology, how to make it benign and constructive rather than to have it diverted to weapons use. And new modes of conflict mediation, helping countries with their own military balances, engaging countries that are in conflict-prone regions in discussions about the genesis of conflict and how to resolve those conflicts.

These are all areas where advanced planning and creative thinking need to be conducted and where ACDA can be empowered to take on many of these issues in a constructive way. ACDA has the institutional memory, core expertise, an obligation to raise longer term issues and implications of policy decisions, and the interagency or interdisciplinary staff that I think could be augmented by people who are detailed from various other agencies.

Let me go quickly through just a couple of the new authorities or augmented authorities proposed in the bill.

It is very clear that ACDA can only be an effective player in this larger scheme if it is seen as a legitimate element of the debate. However well intended, the augmentation of ACDA's authority has got to operate in a political process where it is seen as helpful, to demonstrate that there is common interest in giving ACDA augmented authority. But there is this fine line between that and giv-

ing it authority that it actually cannot execute effectively because it does not have the resources and cannot compete with agencies that are 4, 5, or 12 times its size.

This is at the heart of all of the controversies that have gone on through time, since ACDA's inception. I think that a lot of ACDA's status and capability is permanently derivative, and will depend in large measure on the relationships among the ACDA Director, the Secretary of State, and the President. Therefore, the leadership of the Agency really does matter. The support of the Secretary of Defense and the Secretary of Energy are also necessary.

What is commendable in this legislation is its effort to clarify these lines of jurisdiction and to make it clear that it cannot be left to capricious decisions whether or not to include the ACDA Director in decisionmaking. But again, I think there is a dynamic tension here between trying to set up a competitive agency if it does not have commensurate clout. I think that is a problem and I think it has to be calibrated very carefully.

At the highest level, arms control and nonproliferation have to be seen as compatible and integral to other national priorities. That is really where the challenge is. I would like to see the National Economic Council, the Treasury Department, and others thinking about nonproliferation objectives. Our intelligence community is coming around. It should not be left to ACDA, again, to have to support what ought to be the President and his principal subordinates policies.

On the dual-use technology question, ACDA has decades of expertise in this area. It has, even with very limited resources, been at the cutting edge in previous times of identifying, for example, the apparent diffusion of dual-use technologies for the development of ballistic missiles in the Third World. It was the leading agency in identifying that problem.

I think the discussion about whether or not ACDA should have "veto power," is misleading. At least my reading of the legislation suggested to me that what it said was that ACDA should have the ability to put forward to the President any very contentious issue that could not be resolved among the Department of Defense, Commerce, and ACDA. I do not think this is a power that any ACDA director would want to use lightly. And in fact, if it were used lightly it would be an act of career suicide that would be sufficient deterrent.

There is a need for collegiality in interagency relationships. To bump an issue to the President over the objections of your colleagues is not something that you would want to do without just cause. There is, I think, too much of a dichotomy in this discussion about whether or not this is a veto. Even if it is, I think its function would be as an instrument of last resort, that could have a deterrent effect if there is a tendency or a temptation to ignore ACDA's views.

In my statement, I talk about other areas in which ACDA could make a very constructive contribution, ranging from serving as a better avenue for including private sector interests, including industry, in the design of workable nonproliferation controls, of augmenting regional diplomacy techniques for the resolution of con-



flict, and so on. I will just skip over that. They are in my statement.

I would like to conclude by saying that I think that given ACDA's inherently small size and the likelihood that its augmentation is not going to occur in this environment, one way to increase both its analytical and policy capabilities and to increase its clout is to rely more heavily on the private sector—specifically one area, the identification of ongoing private studies which pertain directly to the work on nonproliferation and arms control.

There are some really interesting projects out there which have not, I do not think, been tapped adequately by the Government. ACDA could serve as both the clearing house and the point Agency for identifying what is promising and useful, integrating some of this work as appropriate.

Second, I think reviving the General Advisory Committee would help to do this and could help in other functions as well, including the preparation of the annual report called for in the legislation. The purpose of the General Advisory Committee as conceived was to provide a nonpartisan brain trust to serve the Director of ACDA, and to advise the Director; not have a policy role, but to be able to amplify the expertise and the perspective available to the Director.

If the GAC were assigned the responsibility for preparing that annual report, again, in an advisory capacity, it would both release resources within the Agency that are already very scarce for other priorities, and perhaps give the report itself, as amended by the Director and his staff, more clout to stand up to both interagency and outside comments.

Thank you.

[The prepared statement of Dr. Nolan follows:]

#### PREPARED STATEMENT OF DR. JANNE E. NOLAN

I thank the Chairman and the members of the Committee for the opportunity to appear before you today to discuss the future of the U.S. Arms Control and Disarmament Agency. I commend you for taking up this difficult issue, and for being open to diverse views about the legislation pending before the Committee to help guide ACDA's transition.

My interest in ACDA stems from my ongoing professional involvement in national security issues, especially in the area of proliferation, as well as from my tenure at the Agency during the late 1970s. I have written about ACDA's organizational problems in the past, and have followed closely the discussion of ACDA's potential reorganization since the last months of the Bush administration.

The key controversy, whether ACDA should remain as an independent agency, has now ostensibly been resolved within the Executive Branch. But the real work still lies ahead. ACDA's destiny depends on the details of decisions yet to be made about resources, staffing, lines of authority, inter-agency relationships, and the quality of leadership. This is why the outcome of the legislation pending before this Committee is so vital. The bill sets out priorities for the reallocation of ACDA's responsibilities, and accords the agency with enhanced statutory authority to carry out its mandate. The success of this legislation in improving the arms control process, however, will depend on bipartisan support, both in Congress and the Executive Branch.

But any effort to redefine and reorganize ACDA is probably bound to incite controversy. Virtually since its inception in the 1960s, ACDA has been a target of partisan attack. Its creation was opposed by conservatives who feared it would become a haven for radical disarmers, and equally vilified by liberals for compromising the peace agenda by engaging in "arms control" instead of real disarmament. It is difficult to identify a period during the Cold War when ACDA was not the punching bag or lightning rod for the strategically disaffected.

This may or may not mean that the agency was doing its job. It certainly means that the agency became unduly politicized. The first challenge of redefining ACDA, therefore, will be to unburden the agency of three decades of political mythology. ACDA has never lived up to the dire images conjured up by its critics. It has never advocated policies widely divergent from the mainstream. Indeed, just a cursory look at the composition of career ACDA personnel—technical specialists, former military officers, weapon designers, and diplomats—suggests this to be rather unlikely. ACDA is a prosaic place, whose only firebrands or cranks have been political appointees with short tenures.

Fortunately, the politics of international security have changed, and this is bound to affect the deliberations over ACDA's future. With the waning of the Cold War, the task of arms control has moved away from efforts to contain the Soviet Union to a much less controversial, if perhaps more difficult, set of priorities. The current arms control agenda does not lend itself readily to heated partisanship; indeed, the urgency of many problems facing this country precludes the luxury of parochial conflicts.

The second immediate challenge is to channel and enhance the professional expertise residing in ACDA to best support US policy objectives in a cooperative and integrated manner. ACDA is likely to remain a very small agency relative to others which have national security and arms control policy authority. For political and substantive reasons, therefore, it makes sense to focus on ACDA's unique comparative advantages, while minimizing where possible redundancies in responsibilities and staffing across agency lines.

ACDA is the natural heir to a set of issues which fall under the rubric of non-proliferation. Non-proliferation is an inherently interdisciplinary subject, cutting across traditional demarcations of technical, military, economic, and diplomatic jurisdictions. Much of the agenda is made up of quite technical issues, from defense industrial investment priorities to weapons performance assessments to verification and treaty implementation. Designing policy alternatives in these areas will require strong analytical capabilities and day-to-day attention to often arcane details. ACDA is, to the closest approximation, the one government agency which is explicitly organized to take on such issues in a concerted way.

Impending non-proliferation challenges also will require the ability to conduct policy planning, anticipating rather than reacting to emerging security problems. In addition to the list of long standing but unfinished initiatives such as the CTB and the Chemical Weapons Convention, there are a host of new challenges on the horizon. These include, *inter alia*, devising better instruments to safeguard and control the diversion of sensitive dual-use technologies to weapons use; finding techniques to contain the potentially adverse consequences of advances in biotechnologies and other high tech innovations; devising a strategy for the spread of space technology; identifying new modes of regional conflict prevention or mediation, including intelligence sharing, early warning, and confidence- and security-building measures; and accelerating the conversion of excess defense production capacity to commercial and competitive uses.

ACDA must collaborate with the State, Defense and Commerce Departments, the intelligence community, and the nuclear laboratories in devising such policy options. But ACDA has certain advantages in many of these areas which could be very useful to the collective interests of others. The agency is already focussed on technical analysis geared to solving longer term problems. ACDA has the institutional memory, the core expertise, and the stated commitment to identify future implications of policy decisions, especially whenever short-term expedience threatens to prevail. It also has a tradition of drawing on expertise from a wide range of sources. Some of its most effective personnel have been detailed from the armed services, the nuclear laboratories, the State, Defense and Commerce Departments, as well as from private scientific and policy circles. As such, it already is a composite of the requisite range of non-partisan expertise needed to address new non-proliferation policy dilemmas.

#### THE FUTURE

One reason that the global proliferation problem is as serious as it is today is that concerns about proliferation typically have been held hostage to other foreign policy priorities. In countless cases, the industrial countries have looked the other way when proliferation occurred because other diplomatic objectives were deemed more pressing. Developments we now lament—e.g., the steady spread of nuclear technology to Pakistan during the Afghan war, the sale of militarily significant technology to Iraq when US policy was focussed on Iran, the compromise of dual-use technologies for adaptation in Third world ballistic missile programs, which seemed

trivial compared to the US-Soviet nuclear rivalry—might all have been slowed or even averted with an effective arms control agency in place.

The question, however, will be how to balance ACDA's role as an advocate with the imperative for collegiality and cooperation with other agencies, as is needed for ACDA to be an effective bureaucratic player. Whatever formal authority it is granted, ACDA can rarely impose its will on the more powerful agencies without undercutting its own future effectiveness. ACDA can play a constructive role only if there is support and guidance for the policies being promoted at the highest levels, and if ACDA, in turn, has a solid position in the interagency machinery. If ACDA's non-proliferation agenda is not a priority for the President and his immediate subordinates, most importantly, no amount of legislation can force ACDA to prevail.

In an ideal world, there would be no need for an advocacy agency for arms control or non-proliferation because senior officials throughout the bureaucracy, in trade relations to defense planning to bilateral and regional diplomacy, were strongly attuned to such priorities. But agencies do what they are organized to do. They have strong institutional cultures which are not easy to change. And in the current system, nonproliferation is still seen to be a competitive priority, which somehow detracts from commercial, diplomatic or other objectives.<sup>1</sup>

To be effective, non-proliferation strategy must be designed and articulated to be compatible with other pressing national objectives—including economic competitiveness, investment in high technology, intelligence priorities, the US defense posture, regional security relations, and the need to reduce global tensions on a scale which will make overall domestic revitalization possible. If non-proliferation policies are out of sync with the domestic or diplomatic agenda, there will be fratricide in the bureaucracy and defection by allies and friends. For ACDA, in particular, policy formulation cannot be carried out credibly if the agency is seen as a plucky little outlier with no clout.

The question, therefore, is what can be done to enhance ACDA's role and improve the policy process without further complicating the politics of decision-making or antagonizing other agencies. The following addresses several priorities which appear in the legislation where ACDA might be expected to make a larger contribution:

#### I. NEGOTIATING RESPONSIBILITIES

As many as seven separate sets of negotiations (START plus, a Comprehensive Test Ban, a new Nuclear Non-Proliferation Treaty, a Missile Technology Control Treaty, aggressive implementation and enforcement of the chemical weapons treaty, a ban on biological weapons, controls on the conventional arms trade and dual-use technologies) could conceivably be undertaken concurrently in this administration. It is not credible for ACDA to have the leading role in all or even the majority of these initiatives. As is spelled out in the legislation, giving ACDA the right to designate Special Representatives is a first step towards granting ACDA a greater say in the choice of personnel and in setting policy priorities for appropriate fora.

Consistent with ACDA's mandate as a leading actor in nonproliferation, the Agency should have a dominant role in the CTB, CWC implementations, and perhaps future MTCR and arms transfer initiatives. Conversely, given the already large number of participants involved in various aspects of the denuclearization of the former Soviet Union, ACDA should play a supportive and subordinate role in this area.

#### II. DUAL USE TECHNOLOGIES

ACDA's role in interagency deliberations about military and dual-use exports could usefully be strengthened by granting ACDA automatic access to potentially sensitive license requests received by the Commerce and/or Defense Departments, and by augmenting (through reallocation if necessary) ACDA's analytical resources in this area. ACDA has many years of expertise in reviewing technology exports. It was the originating agency of analyses pointing to the apparent diversion of dual-use items to Third World ballistic missile development, conducted in the 1970s, for example. Better coordination with the intelligence community and the Defense Technology Security Agency in the Pentagon, including the right to requisition additional intelligence pertaining to technology supply networks, end-users, and various types of component trade, would help make ACDA more effective in this area.

<sup>1</sup>The institutional line up has remained remarkably resilient throughout the post-War period: the Commerce Department promotes exports, the Defense Department tends to prefer military or coercive options to counter proliferation rather than diplomacy, the State Department tries to avoid interference with clients and friends in order to maintain good relations, and the intelligence community has only recently become attuned to military developments in the Third World.



Export controls have a critical role to play in identifying and targeting a few of the technologies pertinent to weapons development. Many vital inputs for nuclear or missile development, such as advanced guidance needed for missile accuracy, remain in the hands of just a few suppliers, and nuclear commerce can be segregated from routine trade. But the enforcement of these restrictions has been weak and sporadic. Today, the penalties for illegal technology trade are much lower than those imposed on violators of banking or securities regulations. This is an area in which ACDA oversight would be helpful.

Still, export controls are an inter-agency matter, and decisions must balance commercial and diplomatic interests against national security and arms control objectives. Ideally, such decisions would be the product of effective consensus, not the subject of protracted intramural disputes. As long as this is not the case, however, granting the ACDA director the right to delay a particular contract pending Presidential review may be a reasonable step—as long as this is seen as an instrument of last resort to be used only in a case of compelling national security concerns.

### III. DEVISING NEW CONTROLS

It must be recognized that many of the traditional instruments for controlling the diffusion of dual-use technologies, advanced delivery vehicles, and their necessary support services by denying access to materials and information have been undermined by global technical diffusion and changed political imperatives. Increasingly, national choice, not technical access, will become the decisive factor in determining the success or failure of a Third World weapons program.

A growing percentage of advanced technology needed for military products and innovations is emerging from the commercial sector. Leading edge technologies, from fiber optics to microcircuitry to advanced software, increasingly are produced by commercial enterprises which are not directly accountable to governments. This argues for a shift in the emphasis of controls from supply-side instruments to controls on the applications of technology by end-users.

ACDA could make an important contribution to nonproliferation if it marshalled research efforts into devising new ways to control sensitive technologies which did not rely solely on efforts to choke off their supply. What is needed are policies in sync with a technology market in which there are many channels of supply, where many advanced technologies which can contribute to weapons development have wholly legitimate applications (computers, chemicals, biotechnologies, communications, space launch vehicles, etc.) and when economic imperatives demand a competitive trading system.

### IV. A ROLE FOR INDUSTRY

ACDA has a tradition of antagonistic relations with industry, a posture which is no longer tenable if effective technology controls are going to be devised. Proliferation controls affect a tiny percentage of high technology trade and are likely to be supported by industry if specific, coherent, and implemented without cutting drastically into legitimate trade.

Initiatives by ACDA professionals in the past to include industry in deliberations about export controls were dismissed by ACDA political appointees. But it is quite widely recognized that industry could be a valuable government ally. A government industry partnership to devise and implement more effective ways to counter proliferation could focus especially on how to handle futuristic technologies which have not yet proliferated widely advanced computing, biotechnologies, anti-satellite weapons, highly accurate conventional systems, and the like.

As a political benefit, better relations with industry would tap into a powerful community, without whose support proliferation controls likely to fail. It could also take advantage of expertise which cannot be found in government. It is industry which really may know how to control and monitor sensitive technology, if it is given sufficient incentive and leadership. Such a dialogue, in turn, could help in the overall coordination of domestic and international economic/foreign policy agendas in the area of technology trade.

Along with input from the nuclear laboratories, ACDA could help coordinate industry efforts to redirect technical investment into technologies which support non-proliferation—from detection of supply networks to verification of that transferred technology has not been diverted to illicit uses.

### V. REGIONAL DIPLOMACY—THE DEMAND SIDE

Regionally-based technology control/non-proliferation arrangements (in South Asia, South America, the Middle East) best reflect countries' security interests and are the most effective foundation for promoting restraint in weapons development.

Supplier instruments which fuel perceptions of discrimination may hinder the development of more effective, cooperative schemes which make access to technology contingent on open disclosure and transparency.

The majority of countries support non-proliferation and want a stable security system. The US can lead the way to a global cooperative security regime in which the advantages of cooperation (access to technology, security guarantees, political stature, etc.) obviously exceed advantages sought through military aggression or lawlessness. ACDA has played a fairly significant role in the past in helping to devise CSBMs and other measures for regional dialogue. This is an important area in which ACDA could play a greater role as an "honest broker", making information and training available to countries interested in tension reduction or negotiating techniques.

#### CONCLUSION

It is not difficult to imagine that ACDA could become a very successful force in the articulation and coordination of arms control and non-proliferation policy. Given its inherently hybrid character, it might even evolve into a consensus-building agency which helps to defuse interagency disputes.

It could serve to improve interagency coordination, if it were seen as a broker rather than a spoiler, as has been its past image. Efforts to counter proliferation need to be coordinated to take advantage of all forms of US leverage, from economic inducements to intelligence operations to military operations, if necessary. The US government has the resources to identify and target the most significant violators of export laws, to severely impede or even cripple illegal supplier networks, and to make clear that the costs of violations are high—but only if clear authority is given to the intelligence agencies, the Department of Defense and to ACDA to pursue such a strategy.

The legislation under consideration would relieve ACDA of various reporting obligations, and as such would free up resources for new initiatives. In the final analysis, however, budgets may prove to be the driving imperative guiding ACDA's destiny. A reluctance to augment appropriations or personnel levels is understandable in the current fiscal environment, but ACDA cannot be expected to discharge its new responsibilities effectively without talented people and some money.

A low cost option for augmenting ACDA's analytical and policy capabilities in the near term would be to revive the General Advisory Committee, a committee of private citizens who serve as a non-partisan brain trust for the agency. The Committee could help evaluate agency priorities, advise the Director on policy objectives, and could contribute even more directly if it were charged with the preparation of the annual report on the progress and status of arms control and non-proliferation policies called for in the legislation. It would need a very small staff to complete this task.

To mitigate the risk of partisanship, the majority of members of the Committee could be named by the Congress—four members by the leadership of each party—and the rest by the President, not subject to Congressional approval. Terms could be staggered over five years, to add further distance from the Presidential electoral process. The GAC's role would be strictly advisory.

Another cost reducing initiative, which the GAC could oversee, would be for ACDA to better utilize private study efforts to augment its data and analytical base. Countless private sector undertakings in the area of non-proliferation are underway, and many of them are frankly better than those conducted or sponsored by the government. These include, *inter alia*, an information network which monitors the trade in missile and other dual-use technologies; an ongoing study to assist in the implementation of the Chemical Weapons Treaty; analysis of ways to involve private industry in defense conversion efforts in the former Soviet Union; and inquiries identifying technologies needed to improve verification and peacekeeping functions. With better interaction with the private sector, ACDA could serve as a clearing house for such research which could benefit other agencies as well.

The CHAIRMAN. Thank you very much, indeed. Mr. Krepon.

Senator SIMON. If I may apologize to Mr. Krepon, I am going to have to leave in about 3 minutes. But I appreciate both witnesses, and I apologize for walking out of the hearing.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. Your full statement will be inserted in the record.

**STATEMENT OF MICHAEL KREPON, PRESIDENT, THE HENRY L. STIMSON CENTER, WASHINGTON, DC**

Mr. KREPON. Thank you, Mr. Chairman. Both of you were kind enough to allow yourselves to be interviewed by me when the Stimson Center was doing its assessment of ACDA, and I think the time that you are putting in on this problem is extremely valuable and appreciated.

ACDA needs champions on Capitol Hill, and ACDA needs to be worthy of being championed. That is what this legislation is about, it seems to me.

In our study, and we interviewed over 150 people, we came to the conclusion that a basic decision had to be made. You either rejuvenate this Agency or you fold it into the State Department. The President and the Secretary of State have, in my opinion, made the right decision. We are going to rejuvenate this Agency.

We need an agency that focuses like a laser beam on arms control, nonproliferation, and disarmament matters because the Secretary of State and his Department are necessarily distracted. Just last week the distractions included giving help to the former Soviet Union, settling trade disputes with Japan, trying to resuscitate the peace talks in the Middle East, worrying about the North Korean nuclear program, and a few other things. The list of distractions facing the Secretary of State usually does not contract.

So we need an agency that makes sure arms control issues do not fall through the cracks. President Kennedy saw that need and, with the help of John J. McCloy, drafted legislation which the Congress passed that gave this agency the lead role and a director that reported to the President, through the Secretary of State.

It seems to me that President Kennedy, John J. McCloy and the Congress got it right in 1961. They got it right. The State Department needs an arms control agency that will ride herd on arms control, nonproliferation and disarmament matters, and ACDA needs the State Department's guidance and confidence.

For this compact to work properly, ACDA and State have to be a team. They cannot be at each other's throats. Any administration that makes arms control an afterthought is inviting unwelcome surprises abroad and grief on Capitol Hill.

ACDA cannot be independent, and it cannot be subservient to the State Department. The draft legislation before this committee is entirely within these parameters, and it tilts in the right direction. While the compact between State and ACDA, negotiated in the Kennedy administration, has timeless relevance, the time has come to lend concreteness in support of ACDA's revitalization.

It is not clear to me, as it is not clear to you, Mr. Chairman and Senator Simon, that the State Department really is ready to lend concreteness to ACDA's revitalization. The proof is in the pudding.

If the State Department continues to come propose deleting entire pages of this committee's draft legislation, that strikes me as being contrary to the decision of the President and the Secretary of State. So I really think the proof is in the pudding here.

It also seems to me that the most important thing about your draft legislation is that you give ACDA a seat at the table, and you give ACDA full powers at that table, just like any other agency of government with equities in the issue being discussed.



In the case of disagreements between executive branch agencies, your legislation reaffirms common practice by requiring addressal at a higher level. This business about a veto power strikes me, as it does Janne Nolan, as being somewhat disingenuous. Any agency of government with clout that disagrees strongly about an issue has the right to buck the issue up to a higher level. And, eventually, when cabinet secretaries cannot agree, issues get bucked up to the President. That is what your legislation provides, as I read it. It is not terribly different from standard practice among agencies that have a full seat at a table.

I commend you for this legislation, and particularly for these provisions. They do no harm, and they can do a considerable amount of good.

In recent years, the executive branch's record on export controls has not been particularly distinguished. The President and the Secretary of State can only be helped by the kinds of procedures that you are recommending.

If ACDA is to be rejuvenated, and if it is to serve the President and the Secretary of State properly, it must have a seat at these tables, with full powers of participation. There are many other things about your draft legislation that I think are praiseworthy, and I list them in my prepared remarks.

Like Janne Nolan, I hope the committee will take another look at the bill's provision which would abolish the General Advisory Committee. It seems to me the GAC provides a way for the Director to solicit the advice and help of distinguished individuals at minimal cost to the taxpayers. And, of course, ACDA can only be revitalized if Congress provides appropriate resources and oversight.

To conclude, Mr. Chairman, I believe the administration has made the right fundamental decision about the Agency's future, but much time has been lost. The White House and the Senate need to move expeditiously to get a new ACDA leadership team in place. With proper congressional support and oversight, ACDA's promise can again be fulfilled.

Surely this committee and its counterpart in the House can work together with the administration to lend specificity to the President's decision to rejuvenate ACDA, while clarifying the essential partnership between the Secretary of State and the ACDA Director.

Thank you very much.

[The prepared statement of Mr. Krepon follows:]

#### PREPARED STATEMENT OF MICHAEL KREPON

Mr. Chairman and members of the committee, thank you for inviting me to testify about the future of the U.S. Arms Control and Disarmament Agency.

The Henry L. Stimson Center carried out a study of ACDA in 1991 and 1992 with grant support from the Ford Foundation. After interviewing nearly 150 individuals, our study came to the conclusion that a basic decision had to be made about the agency's future: ACDA either needed to be reinvigorated, or folded into the State Department.

In my view, President Clinton and Secretary of State Christopher have made a wise decision to rejuvenate ACDA. There is much unfinished work to do in arms control, disarmament, and non-proliferation. The arms reduction accords negotiated by Presidents Reagan and Bush need to be implemented properly. We need to jump start negotiations for a comprehensive test ban and for a global cutoff in the production of weapons-grade fissionable material. The end of the cold war has lent new

urgency to concerns over proliferation. We need an agency that focuses like a laser beam on these important issues.

President Kennedy saw this need. He was convinced that arms control and disarmament issues were not getting the attention they deserved in the executive branch. He enlisted John J. McCloy to help create an agency of government preoccupied with these issues. McCloy's staff drafted legislation which was sent to the Congress making the ACDA director the principal advisor to the President and Secretary of State. ACDA was to have a highly professional staff, and to be deeply engaged in policy formulation, negotiation and implementation of agreements. The Congress agreed, and ACDA soon proved its worth by helping to engineer the Nuclear Non-Proliferation Treaty. Twenty-five years later, in a much weakened state, ACDA was the driving force behind a companion agreement banning the production and use of chemical weapons.

ACDA can provide much greater service if it is properly rejuvenated. We need a strengthened ACDA not only because there is much unfinished work to do, but also because the Department of State is necessarily preoccupied with many difficult issues. This week they include providing economic assistance to Russia, sorting out trade problems with Japan, championing peace in the Middle East, promoting a more constructive western role in the Balkans, and dealing effectively with North Korea's nuclear program. The list of tough agenda items facing the Secretary of State and his Department tends to grow. It rarely contracts.

The original compact between State and ACDA brokered by John J. McCloy still has enormous relevance today. The State Department needs ACDA to ride herd on arms control, disarmament, and non-proliferation matters, and ACDA needs the State Department's guidance and confidence. For this compact to work properly, the Secretary of State and the Director of ACDA must be a team. They may disagree over aspects of policy from time to time, but they have to be full partners.

In my view, ACDA cannot be independent from the State Department, because arms control, disarmament and nonproliferation matters are utterly intertwined with the conduct of U.S. foreign policy. Attempts to legislate ACDA's independence and its predominant role in policymaking would likely generate intense friction at foggy bottom and a permanently weakened ACDA role in policymaking. Attempts to legislate ACDA's abolition or to limit its role to that of a technical support agency also have severe downside risks. Any administration that makes arms control policy an afterthought invites unwelcome surprises abroad and grief on Capitol Hill. The executive branch needs an agency pushing for arms control, disarmament, and non-proliferation measures that improve U.S. National Security. ACDA must have a strong role in policymaking.

President Kennedy, John McCloy, and the Congress got it right in 1961. ACDA cannot be independent and it cannot be subservient to the State Department. The draft legislation before this committee is entirely within these parameters, and its sponsors are to be congratulated.

While the compact between State and ACDA negotiated in the Kennedy administration has timeless relevance, the time has come to lend concreteness in support of ACDA's revitalization. The draft legislation submitted by Senators Pell and Simon mandates a seat at the table for ACDA in executive branch deliberations on export control and licensing matters. In the case of disagreements between executive branch agencies, the legislation reaffirms common practice by requiring addressal at a higher level.

These provisions do no harm and they might do a considerable amount of good. The executive branch's recent record on export controls—particularly with respect to transfers to Saddam Hussein's Iraq—has not been particularly distinguished. The President can only be helped by having the inputs of ACDA as well as the Commerce Department when particularly sensitive transfers are contemplated. If ACDA is to be rejuvenated and if it is to serve the President and the Secretary of State properly, it must have a seat at these tables with full powers of participation.

The draft legislation under review by this committee is commendable for other reasons, as well. Its consolidates reporting requirements and drops some reports that are no longer cost-effective. It provides for more flexibility in the appointment of presidential special representatives to tackle particularly serious problems or negotiations. It mandates the maintenance of complete negotiating and implementing records. It allows for the appointment of personnel in excepted service, which is absolutely necessary for the agency's prompt revitalization. And most important of all, it strengthens ACDA's role in policy formulation, negotiation, and implementation.

I hope the committee will take another look at the bill's provision which would abolish the General Advisory Committee. The GAC provides a way for the director to solicit the advice and help of distinguished individuals at minimal cost to the tax-

payers. There is every reason to believe that this administration, unlike its immediate predecessors, will use the GAC in the manner intended by ACDA's founders.

ACDA can only be revitalized if Congress provides appropriate resources and oversight. For example, this legislation reaffirms ACDA's central role in verification research and calls for more effective coordination in this regard. But ACDA cannot carry out these tasks without a research budget. The Stimson Center's study concluded that taxpayers are not well served by current verification research funding arrangements through the Departments of Energy and Defense. We can do more with less under stronger management and coordination.

Finally, ACDA can only be as strong as its leadership and professional staff. The agency has suffered over the past 12 years. Much talent and institutional memory has left and has not been suitably replaced. Because ACDA is so small, strong appointments at the top can have an immediate impact. But new talent must be brought into the agency at all levels.

The administration has made the right fundamental decision about the agency's future, but much time has been lost. The White House and the Senate need to move expeditiously to get a new ACDA leadership team in place. With proper congressional support and oversight, ACDA's promise can again be fulfilled.

Surely, this committee and its counterpart in the house can work together with the administration to lend specificity to the President's decision to rejuvenate ACDA, while clarifying the essential partnership between the Secretary of State and the ACDA Director.

The CHAIRMAN. Thank you very much, indeed.

I am well aware of the report that you submitted recently, and also the one that Dr. Nolan submitted some time ago.

What, Dr. Nolan, would you think were the principal weaknesses of ACDA as it is now?

Dr. NOLAN. I think, as a philosophical matter, that it is too bad that we still have to talk about ACDA struggling for its survival. In an ideal world, you would not need an advocacy agency for arms control. It would be integral to all aspects of planning, of defense planning, threat assessment, and so forth.

So, as far as ACDA is concerned, the internal weaknesses occur when it is given a role that is probably too large to be realistic. If it is the case that nonproliferation and arms control are still seen by many in the larger cabinet agencies to be an infringement or an interference with higher levels of policy objectives, ACDA cannot be expected to change this reality alone.

Internally, as Tom Graham or Ambassador McNamara mentioned, it is very important to get very good people working at all levels in the Agency. I think there are very good people at ACDA. They have not been challenged in a long time. And there have been different periods of time when there has been tremendous disruption resulting from the politicization of the Agency, where people who should be technical analysts and nonpartisan supporters of policy are bumped around because of ideological pressures that are coming from outside.

So, one, there should be obviously much greater stability in the staff and greater incentives given attract good people to stay in the Agency and to feel that they are a part of a constructive process.

At least when I worked at ACDA, and I think these problems are still endemic, there were constant fluctuations, depending on the political tides. You could tell what administration was coming in—whether it was Democrats or Republicans—by who was being moved to Rosslyn, carrying their desks across the river to the dreaded annex. Not to make a facetious point, the fundamental issue is that the Agency needs the support of the President, of his



immediate subordinates, and needs to be seen, as I said, as an honest broker in the policy process.

Finally, a tension that runs through discussions about new statutory authority is the fact that the last thing we want to create is a situation where ACDA is seen as the spoiler. It does not have the clout to be an effective spoiler. It needs to be seen as a broker. It needs also to have the clout to be seen as a broker, of course, but it is especially important not to add to the antagonistic relationships that have plagued the Agency in the past.

The CHAIRMAN. Thank you very much, Dr. Nolan. Mr. Krepon.

Mr. KREPON. Mr. Chairman, three points about principal weaknesses. No. 1, over the past decade, the ACDA Director no longer reported directly to the Secretary of State. Through a process of painful diminishment, the ACDA Director was reporting through an undersecretary of State or even at a lower level. That is one crucial area of weakness over time.

No. 2, the brain drain and the loss of institutional memory.

And, No. 3, the loss of authority in policy formulation, negotiation and implementation.

The CHAIRMAN. I appreciate that very much.

When you talk about the brain drain, I think there are not many around who were here when the Agency was born 33 years ago.

I thank you very much for being with us.

I have one more question. Am I correct in concluding that you both support the draft legislation? Mr. Krepon.

Mr. KREPON. I think the draft legislation is a tonic for the Agency. I do not believe it is the last word, nor, if my impression is right, do members of this committee and its staff believe it is the last word. There is room for maneuver in terms of getting this committee, the House committee and the administration all together. But I think this committee's draft legislation pushes the process in the right direction.

The CHAIRMAN. Thank you. Dr. Nolan.

Dr. NOLAN. I agree with that. I think there are areas where, for political reasons, you might not want to include a stringent requirement for some kinds of authority. But, on the other hand, as Michael Krepon said, the fact that the Agency has champions is a critical element in this debate. There are elements in the legislation that obviously are causing discomfort. It is important to have a debate about why there is discomfort there, to make sure that the discomfort does not stem from a reluctance to actually accord ACDA an independent status that will make it a functional and a high-performance agency.

The CHAIRMAN. Thank you.

I would also note for the record that I am asking staff to determine when was the last time an ACDA Director was in the Oval Office, and to give a little history of that background.

Dr. NOLAN. It may not be there.

The CHAIRMAN. Mr. Krepon.

Mr. KREPON. My understanding is that the ACDA Director has never met alone with the President of the United States. And the strongest director that has been mentioned here today, Paul Warnke, made it a point that whenever he was meeting with the President he was meeting through and with the Secretary of State.

The CHAIRMAN. And, Mr. Foster, did he not meet with the President?

Mr. KREPON. Mr. Foster certainly met with the President, but I do not believe William Foster met with the President alone.

The CHAIRMAN. Well, I think this would be interesting to develop and include in this hearing record.

So, I thank you both for being with us.

The record will stay open for any questions from members and for a day or two.

[The information referred to follows:]

RESPONSES OF THOMAS E. McNAMARA TO QUESTIONS ASKED BY THE SENATE  
FOREIGN RELATIONS COMMITTEE

*Question.* I know the Secretary believes that ACDA should maintain its current relationship to the Secretary of State and the President, as set forth in its founding act.

Is is your view that the proposed legislation is consistent with that objective of the Secretary of State?

Answer. The administration does not believe that the proposed legislation maintains the current relationship between the Director of ACDA and the Secretary of State and the President. Current legislation provides expressly that the Director of ACDA shall carry out his duties under the direction of the Secretary of State. The proposed legislation omits this provision in a number of areas and gives the Director coequal status with the Secretary of State. It would, for example, give the Director of ACDA veto authority, subject only to overrule by the President, over proposed decisions of the Secretary of State on munition exports, over decisions of the Secretary of Commerce on dual-use exports, and over decisions of the NRC and the Secretary of Energy on a range of nuclear-related matters.

*Question.* The Secretary also believes that ACDA should have primary responsibility for international arms control negotiations and implementing fora, but that in specific cases the Executive Branch should retain flexibility to organize itself as it chooses around that principle.

Does the proposed Legislation, in your view, permit the Executive Branch that flexibility?

Answer. The administration does not believe that the proposed legislation provides sufficient flexibility for the Executive Branch to decide how it will organize itself in specific cases to handle arms control negotiations and implementation.

The administration believes that in addition to specifying normal lead agency responsibility for arms control negotiations and implementation activities to ACDA, the legislation should recognize the President's inherent authority to name a different lead department, agency, or negotiator should he believe circumstances so warrant.

*Question.* The Secretary has indicated that ACDA should be a full participant in deliberations and decisions on export controls and licensing relating to its statutory authority, but that we should not abridge other agencies' responsibilities currently established in law.

Is is your view that the proposed legislation does or does not abridge other agencies' statutory responsibilities in the area of export controls and licensing?

Answer. The administration believes that the proposed legislation does abridge other agencies' statutory responsibilities in the area of export controls and licensing. The administration believes that ACDA should have an opportunity to participate equally with other interested agencies in export control decisionmaking processes, but that participation, should not derogate from the authority of other departments.

*Question.* I know the Secretary believes that ACDA should play an important role in the development and implementation of nonproliferation policy, in concert with the Department of State and other agencies.

In your opinion, is the proposed legislation consistent with that view or does it distort the role of one agency in the development and implementation of nonproliferation policy?

Answer. The administration believes that ACDA has an important, but not an exclusive or determining role with regard to the development and implementation of nonproliferation policy as reflected in the proposed legislation.

ACDA has always played an important role in nonproliferation. The administration believes that ACDA's role should continue and be strengthened so that it can work effectively with the Department of State and other agencies.

*Question.* The bottom line, I suppose, is the following:

Do you believe that the proposed legislation, in an effort to fix ACDA's problems, inadvertently impinges substantially on existing authorities of the President, the Secretary of State, and other agencies?

Does the administration support S. 1182, the Arms Control and Nonproliferation Act of 1993, in its present form?

*Answer.* Because the administration believes that the proposed legislation does impinge on the existing authorities of the President, Secretary of State and other agencies, specific changes to overcome this problem have been proposed to committee staff by the administration.

For this and other reasons, the administration does not support S. 1182, the Arms Control and Nonproliferation Act of 1993, in its present form. Secretary Christopher, in his July 12 letter, noted his disappointment that only a very few of the administration's suggested changes had been incorporated in the bill. He also indicated that he is prepared to continue the dialogue with the committee to develop a bill that he can support, i.e., one that is consistent with the principles he set forth in that letter.

The CHAIRMAN. The hearing is adjourned.

[Whereupon, at 12:00 p.m., the hearing was adjourned, to reconvene subject to the call of the Chair.]



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